DEPARTMENT OF SAFETY AND INSPECTIONS
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Date: 1/21/10

To: Zoning Committee

From: Tom Beach, DSI

RE: Site plan for Walgreens at Ford and Finn

At this time, I do not have any new information from Walgreens about how the likely closing of the Snyders store next door might affect their plans to develop at Ford and Finn. I will give you an update at the hearing on January 28. If I get any significant information before that, I will email it to you all.

The staff report and other information on Walgreens in this packet is the same as what was sent out in the packet for January 14.

If you have questions, you can reach me at 651-266-9086 or tom.beach@ci.stpaul.mn.us.

ZONING COMMITTEE STAFF REPORT

FILE # 09 423979

1. **APPLICANT:** Semper Development Ltd. **HEARING DATE:** 1/14/10
2. **TYPE OF APPLICATION:** Site Plan Review
3. **LOCATION:** 2101 Ford Pkwy
4. **PIN & LEGAL DESCRIPTION:** 172823110083
   Saint Catherine Park Lots 18 And Lot 19 Blk 9
5. **PLANNING DISTRICT:** 15 **PRESENT ZONING:** B2
6. **ZONING CODE REFERENCE:** 61.402.c
7. **STAFF REPORT DATE:** 1/7/10 **BY:** Tom Beach
8. **DATE RECEIVED:** 12/4/09 **DEADLINE FOR ACTION:** 2/2/10

A. **PURPOSE:** Site plan review for a new Walgreens store and a second commercial building

B. **PARCEL SIZE:** 27,061 square feet (215 x 125')

C. **EXISTING LAND USE:** Gas station (vacant) and a one-story retail building.

D. **SURROUNDING LAND USE:**
   North: Single-family residential (R4)
   East: Commercial (B2)
   South: Commercial (B2)
   West: Parking ramp and commercial (B2)

E. **ZONING CODE CITATION:** 61.402.c

F. **PROJECT OVERVIEW:** The site currently has two businesses: a gas station (that is not currently open) and a one-story retail building. Walgreens plans to demolish these existing buildings.

The site plan calls for two new commercial buildings and a parking lot:

- A new Walgreens store would be built on the east part of the site. It would have a main floor (8,519 square feet of floor area) and an unfinished basement that will be used for storage (5,000 square feet).
- A smaller commercial building (1,000 square feet) would be built near the corner of Ford and Finn.

The exterior of both buildings will be a combination of brick and manufactured stone. The entrance to the Walgreens building will be at the southwest corner of the building, facing Ford Parkway and the parking lot. There will be windows on all four sides of the building, with most of them on the front side (facing Ford Parkway) and the west side (facing the parking lot). Some of the windows will be clear glass that will allow views into and out of the building. The other windows will be spandrel glass which is opaque.

The site plan shows 39 off-street parking spaces and two bike racks. 39 off-street parking spaces are required for a building of this size by the zoning code.

Access to the parking lot would be from two driveways: one on Ford Parkway and one on Finn Street. Access on Ford would be restricted to Right-In and Right-Out.

Deliveries will be from the parking lot. Most deliveries are from small trucks. A large truck will come once a week to make deliveries for Walgrens.

The parking lot will be screened from the street by the proposed buildings in some areas. In other areas the lot will be landscaped with trees shrubs and an ornamental metal fence. The parking lot will have a privacy fence and shrubs on the side facing the alley.

A monument sign is proposed along Ford Parkway, in addition to signs on the building.

G. **HISTORY:** Semper Development submitted an earlier site plan for a Walgreens at this site in June 2009. The main differences between that site plan and the current site plan are that the earlier plan did not have a second building on the corner and some deliveries would have been made by trucks using the alley.

The Planning Commission approved the site plan on September 18, 2009. An appeal was filed by UFCW Local 789. The City Council upheld the appeal and denied the site plan because it was not consistent with Design Standards in the Zoning Code the call for commercial buildings in pedestrian oriented areas to "hold the corner – that is have street facades at or near the sidewalks on both streets ... unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable."

H. **DISTRICT COUNCIL RECOMMENDATION:** District 15 will be meeting on the Walgreens site plan before the hearing at the Zoning Committee. Staff will email a copy of their decision to the Committee.

I. **FINDINGS:** Section 61.402.c of the Zoning Code says that in "order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with" the findings listed below.

1. *The city's adopted comprehensive plan and development or project plans for sub-areas of the city.*

   The site plan is consistent with this finding. The District 15 Highland Park Neighborhood Plan calls for "incorporat[ing] a mix of uses and a pedestrian-friendly environment in commercial areas." (The plan also supports rezoning portions of Highland Village to TN2 which would bring additional design standards but this has not been done.)

2. *Applicable ordinances of the City of Saint Paul.*

   The site plan is consistent with this finding. The proposed use is permitted in the B2 zoning district. The site plan meets all zoning requirements including minimum number of parking spaces, setbacks, lot coverage, building height.

   The site plan is consistent with the City's design standards for pedestrian oriented commercial areas (Section 63.110.c).

   - These standards say that buildings must "hold the corner – that is have street facades at or near the sidewalks on both streets ... unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or

unreasonable." The plan calls for a second building at the corner of Ford and Finn.

- The design standards say that "buildings shall have windows and door openings facing the street." However, the standards do not specify how many windows or whether they need to be clear glass. The proposed buildings will meet the TN2 standards that say that 50% of the frontage of the first floor must have clear windows that allow views into and out of the building.

3. *Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.*

   The site plan is consistent with this finding. The site does not have unique geologic or geographic characteristics. The proposed development will be in keeping with the character of the area as it has developed over the last 60 years.

   The gas tanks from the existing old station will be removed as a part of the demolition under a permit from the City.

4. *Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.*

   The site plan is consistent with this finding. Surface water will be directed to the City storm sewer system. The parking lot will be screened from residents across the alley to the north. Views, light and air will not be affected.

   There is currently a problem with cars driving north on Finn from Ford Parkway and then going into the alley behind the site (even though the alleys have "Do Not Enter" signs.) The site plan shows an island with a roll-over curb extending into Finn Street that would make it harder for cars to enter the alley from Finn.

5. *The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.*

   The site plan is consistent with this finding. The site plan will limit the impact on the residential property to the north across the alley. The location of the driveways will minimize the impact on Ford Parkway. The buildings will be built up to the sidewalk on Ford Parkway which is consistent with the existing buildings on the north side of Ford.

6. *Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.*

   The site plan is consistent with this finding. The site plan meets current standard practices for landscaping, site layout and building design.

7. *Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.*

   The intersection of Ford and Finn already has a high level of traffic and so Saint Paul Public Works required Wagreens to submit a Traffic Impact Study for the project. The main recommendation in the study is to widen Finn a few feet so that an additional southbound lane can be added. Public Works staff determined that the site plan is acceptable if Finn Street is widened and the additional lane is added.

The site currently has 4 driveways. The site plans would reduce this to two driveways. The proposed driveway on Ford Parkway would be constructed to limit cars to Right-In and Right-Out only.

8. *The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.*

   The site plan is consistent with this finding. The site plan has been reviewed by Public Works and they have determined that it meets City standards subject to some minor changes.

9. *Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.*

   The site plan is consistent with this finding. The parking lot would be screened from the street by the smaller commercial building and heavily landscaped on the remaining street frontage with trees shrubs and an ornamental metal fence. The parking lot will have a privacy fence and shrubs on the side facing the alley.

   The site plan shows that 39 off-street parking spaces and two bike racks will be provided. The zoning code requires a minimum of 39 spaces. (For comparison, the two existing businesses on the site have a total of 15 off-street parking spaces.)

10. *Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.*

    The site plan is consistent with this finding. Two accessible parking spaces will be provided and the entrances to the buildings will be accessible from the public sidewalk.

11. *Provision for erosion and sediment control as specified in the ``Ramsey Erosion Sediment and Control Handbook."*

    The site plan is consistent with this finding. The site plan shows that erosion and sediment control measures will be used during construction, including silt fences, rock construction entrances, inlet protection and street sweeping.

J. **STAFF RECOMMENDATION:**

Based on the findings above, the staff recommends approval of the site plan to allow construction of two new commercial buildings at 2101 Ford Parkway, subject to the condition that final plans for sewers and stormwater drainage must be approved by Public Works Sewer Division.

ATTACHMENTS

Traffic Impact Study prepared by Wenck Associates and Public Works response
Site plan and building elevations
Site photos and location map

Traffic Impact Study for Walgreens

2111 Ford Parkway
St. Paul, MN

Wenck File #2271-03

Prepared for:

SEMPER DEVELOPMENT

Prepared by:

WENCK ASSOCIATES, INC.
1800 Pioneer Creek Center
P.O. Box 249
Maple Plain, Minnesota 55359-0249
(763) 479-4200

August 14, 2009

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FIGURES

1.0 Executive Summary

The purpose of this Traffic Impact Study is to evaluate the traffic impacts of the proposed Walgreens store located in St. Paul, MN. The project site is located in the northeast quadrant of the Ford Parkway/Finn Street intersection, as shown in **Figure 1**.

Based on direction from City of St. Paul traffic staff and a request by members of the zoning committee, this study examined traffic impacts of the proposed development on the following intersections:

- Ford Parkway/Finn Street
- Finn Street/Ramp Access
- Finn Street/Public Alley
- Ford Parkway/Cretin Avenue
- Ford Parkway/Cleveland Avenue

The proposed project consists of removing the existing vacant gasoline station and adjacent retail building and constructing a new 13,983 square foot Walgreens building with on-site surface parking. The proposed building consists of 9,483 square feet of retail space and 4,500 square feet of storage in the basement level, for a total area of 13,983 square feet.

The property has a total of four existing access driveways, two full-access driveways to Ford Parkway and two full-access driveways to Finn Street. The proposed plan reduces the number of access driveways by two, with one to Ford Parkway and one to Finn Street. The proposed access to Ford Parkway is restricted to right-in/right-out movements only. The project is expected to be complete in 2010.

The conclusions drawn from the information and analyses presented in this report are as follows:

- The proposed development is expected to generate 45 trips during the weekday AM peak hour, 118 trips during the weekday p.m. peak hour, and 1,260 weekday daily trips.

- The intersections of Finn Street/Ramp Access and Finn Street/Public Alley have adequate capacity with existing geometrics and control to accommodate the proposed development while maintaining acceptable levels of service.

- During the a.m. and p.m. peak hours under all study scenarios, all movements at the intersections of Ford Parkway/Cretin Avenue and Ford Parkway/Cleveland Avenue operate at a LOS D or better and the overall intersections operate at LOS C or better. The proposed development has minimal impacts on traffic operations at these intersections. No improvements are needed at these intersections to accommodate the proposed development.

- Based on the level of service analysis, queuing analysis results, and discussions with the City, the recommended lane configuration for the southbound approach of Finn Street is a southbound left turn lane and a southbound through-right turn lane. The existing roadway width of this segment is 29.5 feet face of curb to face of curb. The recommended width is 36 feet face of curb to face of curb. This width would accommodate a southbound 12 foot through-right turn lane, a 10 foot southbound dedicated left turn lane, and a 14 foot northbound lane.

- The transit shelter and bus stop located in the northeast quadrant of the Ford Parkway/Finn Street intersection have been incorporated into the proposed site plan.

- To improve sight lines between westbound vehicles on Ford Parkway and vehicles exiting the right-in/right-out driveway, a no parking restriction on the north side of Ford Parkway along the property frontage should be considered. This restriction would improve sight distance at the proposed right-in/right-out as well as allow westbound vehicles on Ford Parkway to access the site outside of the westbound through lane.

- The existing northbound approach lanes at the intersection of Ford Parkway/Finn Street consist of a left turn and right turn only designation. Modify the existing northbound pavement markings to correlate with the left turn lane and through-right turn only usage.

- Pedestrian safety along the subject property frontage is improved by reducing the number of driveways pedestrians have to cross as well as restricting movements at one of the remaining driveways. The existing signalized intersections studied provide appropriate pedestrian guidance including signal head indications and crosswalks. The proposed project will not have an adverse affect on pedestrian controls at these intersections.

2.0 Purpose and Background

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Based on direction from City of St. Paul traffic staff and a request by members of the zoning committee, this study examined traffic impacts of the proposed development on the following intersections:

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Proposed Development Characteristics

The proposed project consists of removing the existing vacant gasoline station and adjacent retail building and constructing a new 13,983 square foot Walgreens building with on-site surface parking. The proposed building consists of 9,483 square feet of retail space and 4,500 square feet of storage in the basement level, for a total area of 13,983 square feet.

The property has a total of four existing access driveways, two full-access driveways to Ford Parkway and two full-access driveways to Finn Street. The proposed plan reduces the number of access driveways by two, with one to Ford Parkway and one to Finn Street. The proposed access to Ford Parkway is restricted to right-in/right-out movements only.

The current site plan is shown in **Figure 2.** The project is expected to be complete in 2010.

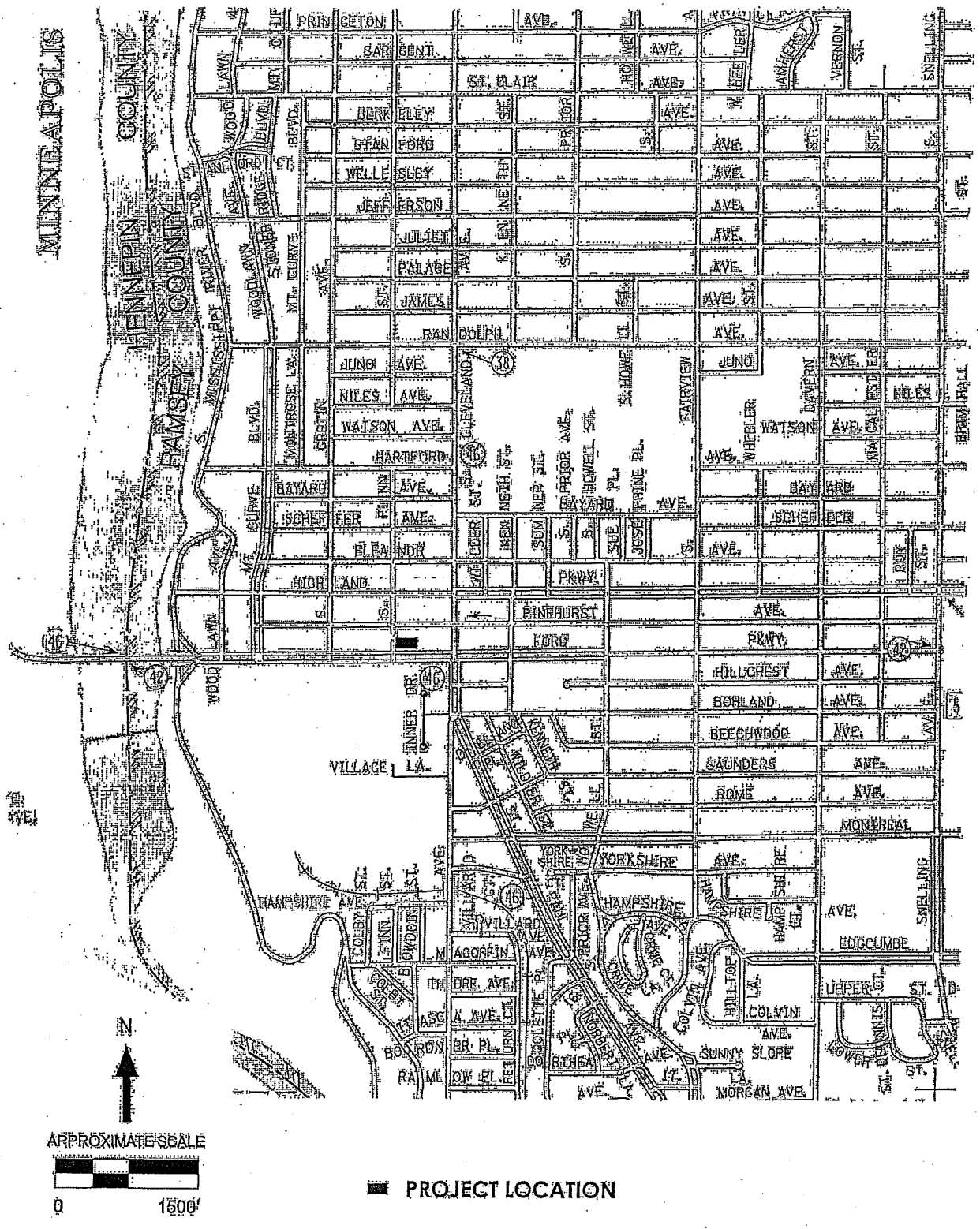

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FIGURE 1

PROJECT LOCATION

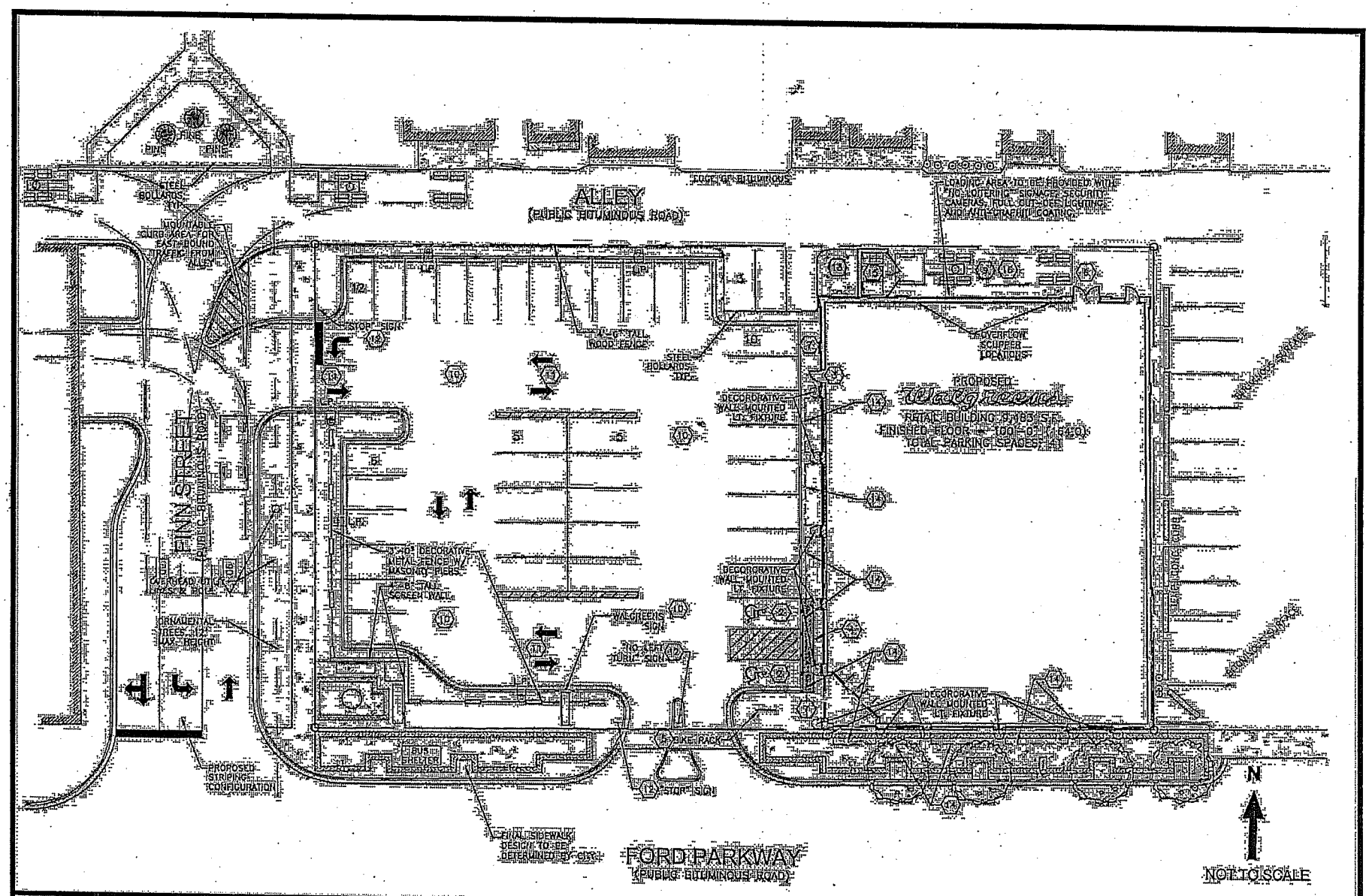

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FIGURE 2

CURRENT SITE PLAN

3.0 Existing Conditions

The proposed site currently consists of a gasoline service station (no longer operating) and a commercial building. The project site is bounded by Ford Parkway on the south, Finn Street on the west, a one-way public alley on the north, and commercial land uses on the east. Ford Parkway along the property frontage is an undivided five-lane section. Raised medians on Ford Parkway are introduced both east and west of the site. Finn Street along the property frontage is a two-way street that dead ends at the public alley adjacent to the site. The public alley is a narrow one-way alley that accommodates westbound vehicles east of Finn Street and eastbound vehicles west of Finn Street.

Along the property frontage, transit shelters and designated bus stops exist on the westbound approach both on the north and south sides of Ford Parkway. On-street parking is currently allowed along the property frontage except in the vicinity of the bus stop.

Existing conditions at the proposed project location are shown in **Figure 3**.

Ford Parkway/Finn Street

The signalized intersection of Ford Parkway/Finn Street provides one dedicated left turn lane, one through lane, and one through-right turn lane on both the eastbound and westbound approaches. The southbound approach consists of one lane for all movements. The northbound approach consists of one through-left turn lane and one right turn lane. A site visit revealed that pavement markings for the northbound approach lack designation for the northbound through movement (only a left arrow and right arrow are shown). Striped crosswalks and pedestrian signal heads are present on all four approaches.

Finn Street/Ramp Access

Although not signed, both eastbound and westbound driveways cross sidewalks along Finn Street and are required to stop by state statue. The northbound and southbound approaches are uncontrolled. This intersection designates the northern limit of two-way operation for this segment of Finn Street. One traffic lane accommodates all legal movements for each approach.

Finn Street/Public Alley

This "tee" intersection is uncontrolled and consists of eastbound one-way travel west of Finn Street and westbound one-way travel east of Finn Street. Although the pavement width exists, there are no northbound lanes approaching this intersection.

Ford Parkway/Cretin Avenue

The signalized intersection of Ford Parkway/Cretin Avenue provides one dedicated left turn lane, one through lane, and one through-right turn lane on both the eastbound and westbound

approaches. The southbound approach consists of two undesignated approach lanes. Based on alignment with the opposing northbound approach, these southbound lanes operate as one through-left turn lane and one right turn lane. The northbound approach consists of one lane for all movements. Striped crosswalks and pedestrian signal heads are present on all four approaches.

Ford Parkway/Cleveland Avenue

The signalized intersection of Ford Parkway/Cleveland Avenue provides one dedicated left turn lane, one through lane, and one through-right turn lane on both the eastbound and westbound approaches. The southbound approach consists of one dedicated left turn lane, one through lane, and one through-right turn lane. The northbound approach consists of dedicated left turn lane and one through-right turn lane. Striped crosswalks and pedestrian signal heads are present on all four approaches.

Turn movement data for the intersections along Finn Street were collected during the weekday a.m. and p.m. peak periods in June, 2009. Turn movement data for the Cretin Avenue and Cleveland Avenue intersections with Ford Parkway were collected during the weekday a.m. and p.m. peak periods in August, 2009.

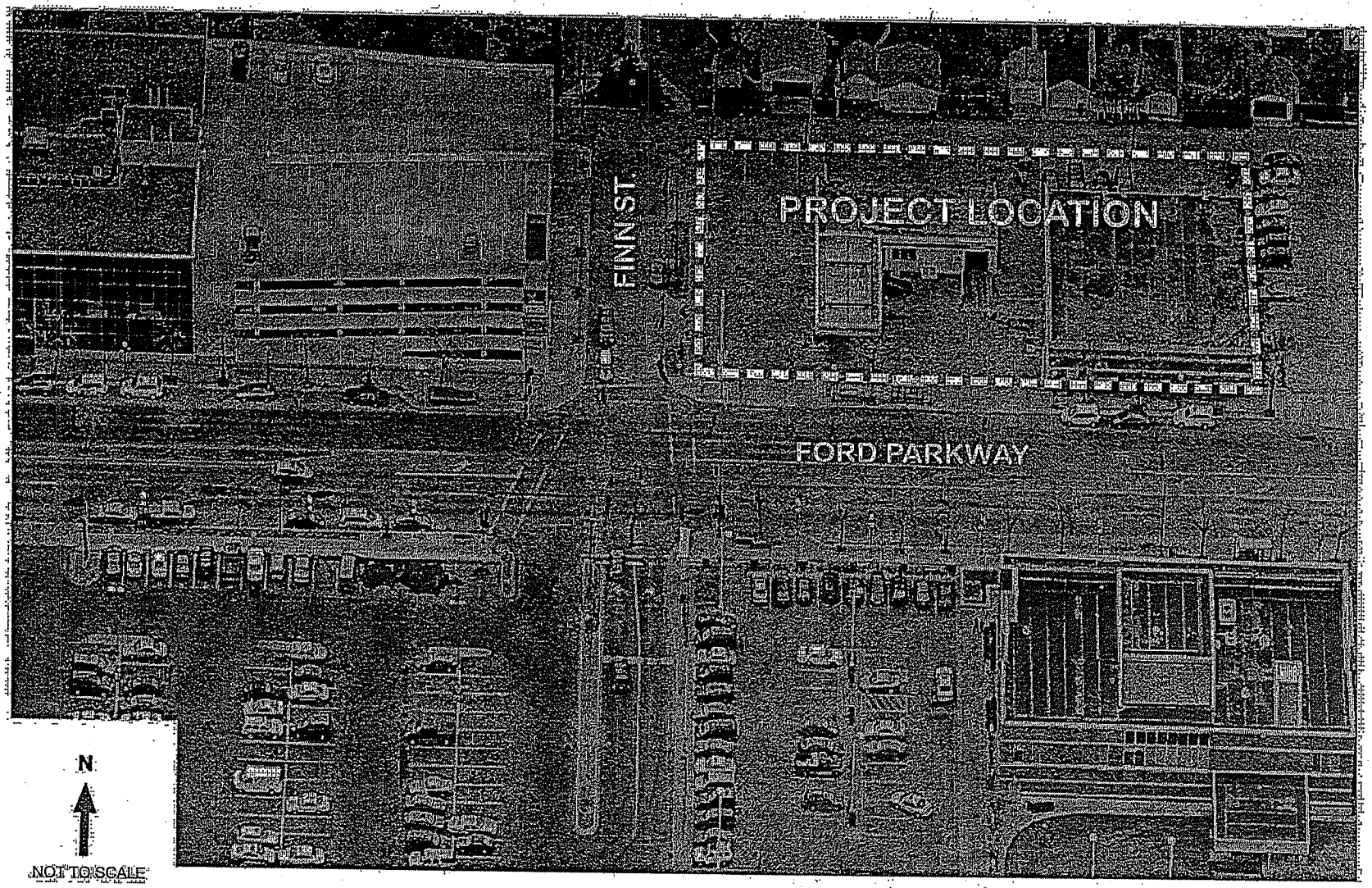

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FIGURE 3

EXISTING CONDITIONS

4.0 Traffic Forecasts

Traffic Forecast Scenarios

To adequately address the impacts of the proposed project, forecasts and analyses were completed for the year 2011. Specifically, weekday a.m. and p.m. peak hour traffic forecasts were completed for the following scenarios:

- *Existing (2009).* Existing volumes were determined through traffic counts at the subject intersections.
- *2011 No-Build.* Existing volumes at the subject intersections were increased by two percent per year to determine 2011 No-Build volumes. Due to the developed nature of the area, the two percent per year growth rate provides a conservative analysis.
- *2011 Build.* Trips generated by the proposed Walgreens were added to the 2011 No-Build volumes to determine 2011 Build volumes.

Trip Generation

Weekday a.m. and p.m. peak hour trip generation for the existing land uses and proposed development were calculated based on data presented in the eighth edition of Trip Generation, published by the Institute of Transportation Engineers (ITE). The resultant trip generation is shown in **Table 1, Table 2 and Table 3** for a.m., p.m., and daily trips respectively. ***For existing vs. proposed comparison purposes only***, trips generated by the existing land uses are also provided.

Table 1
Typical Weekday AM Peak Hour Trip Generation

Land Use	Size	Unit	New Vehicle Trips		Pass-By Vehicle Trips		Total Trips
			IN	OUT	IN	OUT	
Existing Land Use							
Gasoline/Service Station with Convenience & Carwash	8	FVP	22	21	27	25	95
Party City	7,566	GFA	0	0	0	0	0
Existing Land Use Total			22	21	27	25	95
Proposed Land Use							
Walgreens	13,983	GFA	19	13	8	5	45

1. GFA = Gross Floor Area
2. VFP = Vehicle Fueling Positions
3. Party City is not open during the weekday a.m. peak hour.

Table 2
Typical Weekday PM Peak Hour Trip Generation

Land Use	Size	Unit	New Vehicle Trips		Pass-By Vehicle Trips		Total Trips
			IN	OUT	IN	OUT	
Existing Land Use							
Gasoline/Service Station with Convenience & Carwash	8	FVP	26	24	32	30	112
Party City	7,566	GFA	7	8	3	3	21
Existing Land Use Total			33	32	35	33	133
Proposed Land Use							
Walgreens	13,983	GFA	41	41	18	18	118

1. GFA = Gross Floor Area
2. VFP = Vehicle Fueling Positions

Table 3
Typical Weekday Daily Trip Generation

Land Use	Size	Unit	New Vehicle Trips		Pass-By Vehicle Trips		Total Weekday Trips
			IN	OUT	IN	OUT	
Existing Land Use							
Gasoline/Service Station with Convenience & Carwash	8	FVP	275	275	336	336	1,222
Party City	7,566	GFA	117	117	50	50	334
Existing Land Use Total			392	392	386	386	1,556
Proposed Land Use							
Walgreens	13,983	GFA	441	441	189	189	1,260

1. GFA = Gross Floor Area
2. VFP = Vehicle Fueling Positions

The trips shown in **Table 1, Table 2,** and **Table 3** are classified into two categories:

- New Vehicle Trips – Trips solely to and from the proposed development
- Pass-By Vehicle Trips – Trips made as intermediate stops "on the way" from an origin to a primary destination without a route diversion. Pass-by trips are attracted from existing traffic passing the site on an adjacent street or roadway that offers direct access to the site. These are trips by vehicles that are currently passing through the subject intersections and will continue to do so.

The percentage of trips shown in the tables and assigned to each trip type described above was based on data provided in the ITE Trip Generation Handbook, Second Edition. Based on this data, 70 percent of the total Walgreens trips are new trips and 30 percent are pass-by trips. For the comparison shown in the trip generation tables above, pass-by for existing land uses are as follows:

- Gasoline/Service Station with Convenience & Carwash – 45 percent new trips/55 percent pass-by
- Party City – 70 percent new trips/30 percent pass-by

Trip Distribution Percentages

Trip distribution percentages for the subject development trips were established based on the nearby roadway network, existing and expected future traffic patterns, and location of the subject development in relation to major attractions and population concentrations. The distribution percentages for new trips generated by the proposed development are as follows:

- 55% to/from the east on Ford Parkway. The distribution is further divided at Cleveland Avenue to 8% to/from the north, 28% to/from the east, and 19% to/from the south.
- 45% to/from the west on Ford Parkway. The distribution is further divided at Cretin Avenue to 10% to/from the north and 35% to/from the west.

Traffic Volumes

Development trips were assigned to the surrounding roadway network using the preceding trip distribution percentages. The resultant distribution is shown in **Figure 4**. Traffic volumes were established for all the forecasting scenarios described earlier during both the weekday a.m. and p.m. peak hours. The resultant traffic volumes are presented in **Figures 5 and 6.**

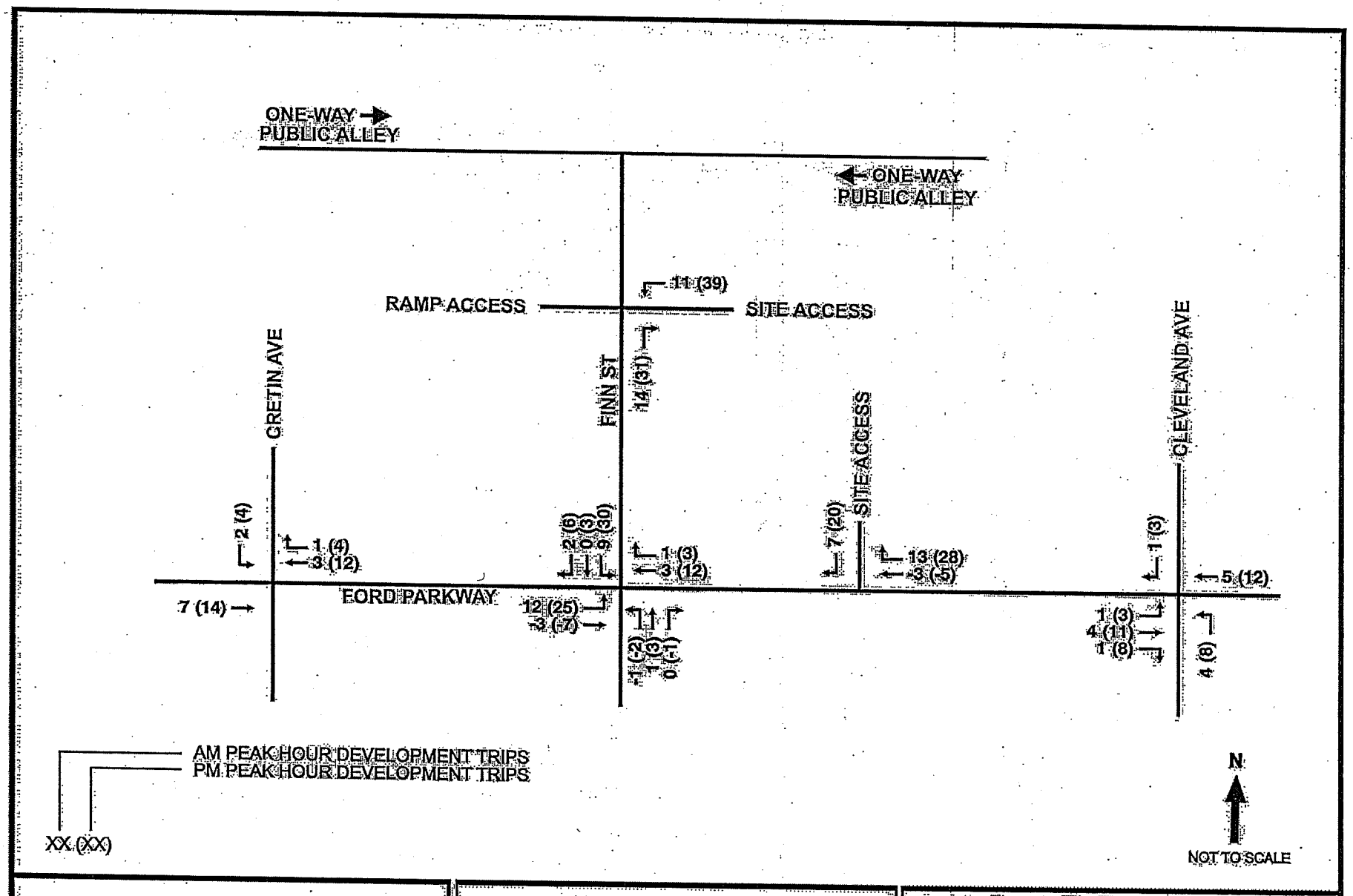

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FIGURE 4

WALGREENS
DEVELOPMENT TRIPS

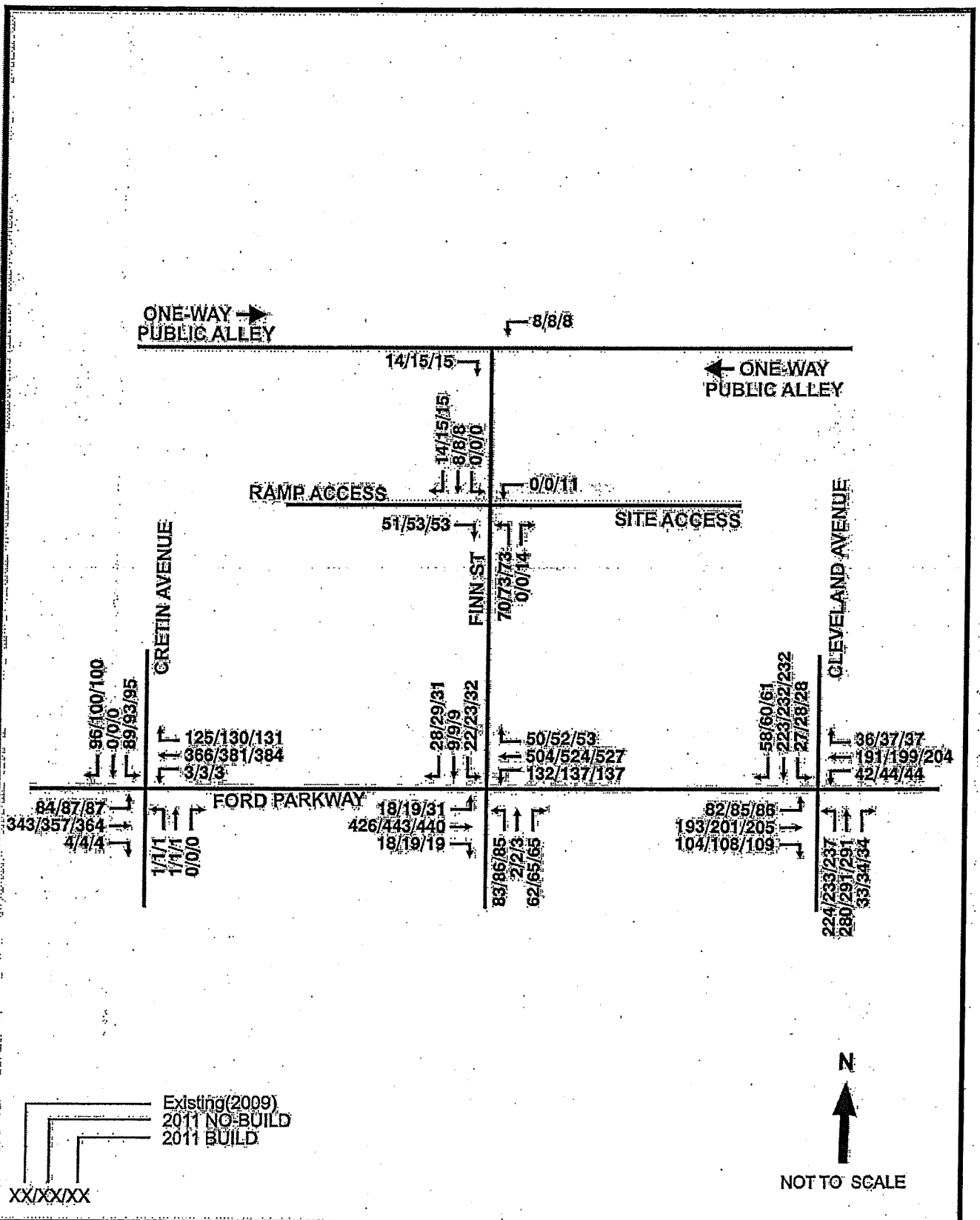

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FIGURE 5

WEEKDAY AM PEAK HOUR TRAFFIC VOLUMES

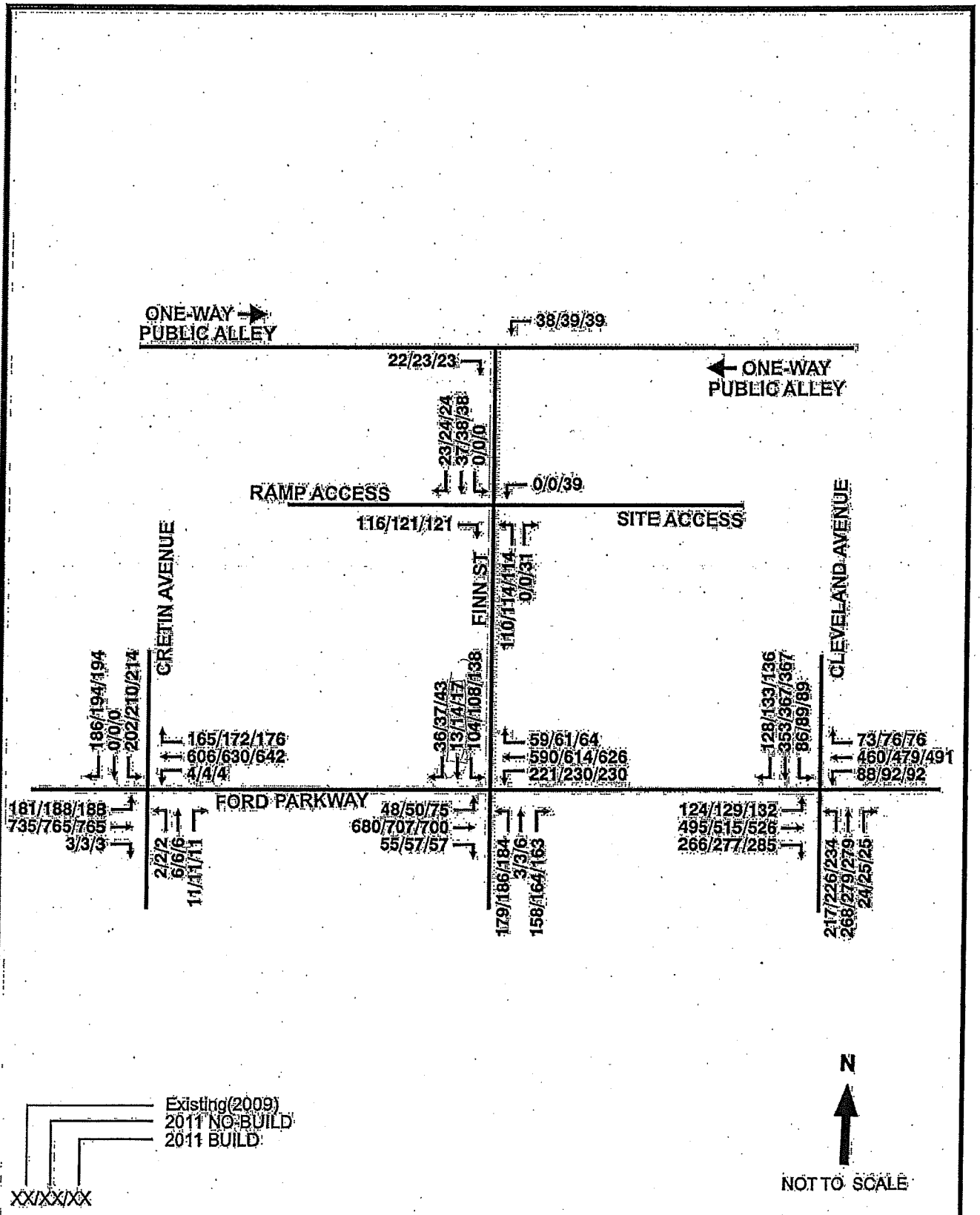

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FIGURE 6

WEEKDAY PM PEAK HOUR TRAFFIC VOLUMES

5.0 Traffic Analysis

Intersection Level of Service Analysis

Traffic analyses were completed for the subject intersections for all scenarios described earlier during both the weekday a.m. and p.m. peak hours using Synchro software. Initial analysis was completed using existing geometrics, control, and signal timing. Capacity analysis results are presented in terms of level of service (LOS), which range from A to F. LOS A represents the best intersection operation, with very little delay for each vehicle using the intersection. LOS F represents the worst intersection operation, with excessive delay for each vehicle using the intersection. Level of service results are shown in **Figures 7 and 8.** Discussion for each individual intersection is provided below.

Ford Parkway/Finn Street (signalized) - During the a.m. peak hour under all scenarios, all movements operate at LOS D or better and the overall intersection operates at LOS B. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

During the p.m. peak hour under all scenarios, all movements except the southbound movements operate at LOS D or better and the overall intersection operates at LOS C or better. The southbound movements operate at LOS D under 2009 and 2011 No Build conditions and LOS E under 2011 Build conditions.

During the 2011 Build condition, an additional southbound approach lane improves the p.m. peak hour LOS for the southbound through and right turn movements to LOS D. The LOS for southbound left turns remains unchanged. The overall intersection operates at LOS B.

Finn Street/Ramp Access (driveways are stop controlled) - During the a.m. peak hour under all scenarios, all movements operate at LOS B or better. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

During the p.m. peak hour under all scenarios, all movements operate at LOS B or better. No improvements are necessary at this intersection during the p.m. peak hour to accommodate the proposed development.

Finn Street/Public Alley (uncontrolled) - During the a.m. peak hour under all scenarios, all movements operate at LOS A. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

During the p.m. peak hour under all scenarios, all movements operate at LOS A. No improvements are necessary at this intersection during the p.m. peak hour to accommodate the proposed development.

Ford Parkway/Cretin Avenue (signalized) - During the a.m. peak hour under all scenarios, all movements operate at LOS D or better and the overall intersection operates at LOS A. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

During the p.m. peak hour under all scenarios, all movements operate at LOS D or better and the overall intersection operates at LOS B. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

Ford Parkway/Cleveland Avenue (signalized) - During the a.m. peak hour under all scenarios, all movements operate at LOS D or better and the overall intersection operates at LOS C. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

During the p.m. peak hour under all scenarios, all movements operate at LOS D or better and the overall intersection operates at LOS C. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

Field observations and traffic simulation modeling for Ford Parkway indicate significant eastbound vehicle queue lengths during the p.m. peak hour at Cleveland Avenue. This queue occurs under both existing and future conditions. As supported by the level of service results, the number of trips added by the proposed project has minimal impacts on operations at the Cleveland Avenue intersection. City staff has optimized the signal timing at the Ford Parkway/Cleveland Avenue intersection to best accommodate the traffic volumes.

Southbound Vehicle Queue Lengths at Ford Parkway

The 95th percentile maximum queue lengths were estimated using the Synchro software. Initial analysis was completed using existing geometrics, control, and signal timing. Mitigation analysis was completed with an additional southbound approach lane. The available storage for this movement is approximately 80 feet. The resultant queue lengths are shown in **Table 3.**

Table 3 Weekday A.M. and P.M. Peak Hour
95th Percentile Vehicle Queue Lengths For Southbound Finn Street (in feet)

AM	Existing Geometry (single southbound lane for Finn Street)	Mitigation Geometry (two southbound lanes for Finn Street)	
			
2009 Existing	56		
2011 No Build	57		
2011 Build	66	35	47
PM	Existing Geometry (single southbound lane for Finn Street)	Mitigation Geometry (two southbound lanes for Finn Street)	
			
2009 Existing	156		
2011 No Build	163		
2011 Build	201	41	155

As presented in **Table 3**, during the a.m. peak hour the 95th percentile queue with the existing lane geometry is less than the available storage for all scenarios (i.e. less than 80 feet). The a.m. peak hour queue lengths for the build scenario are reduced further under the mitigation geometry. During the p.m. peak hour, the 95th percentile queue with the existing lane geometry is greater than the available storage for all scenarios (i.e. greater than 80 feet). The p.m. peak hour queue lengths for the build scenario are reduced slightly below the 2009 Existing queue length under the mitigation geometry; however, the queue length for the left turn lane remains greater than the available storage. For the build scenario, operations under the proposed mitigation result in queue lengths for the left turn very close to those currently experienced for this movement.

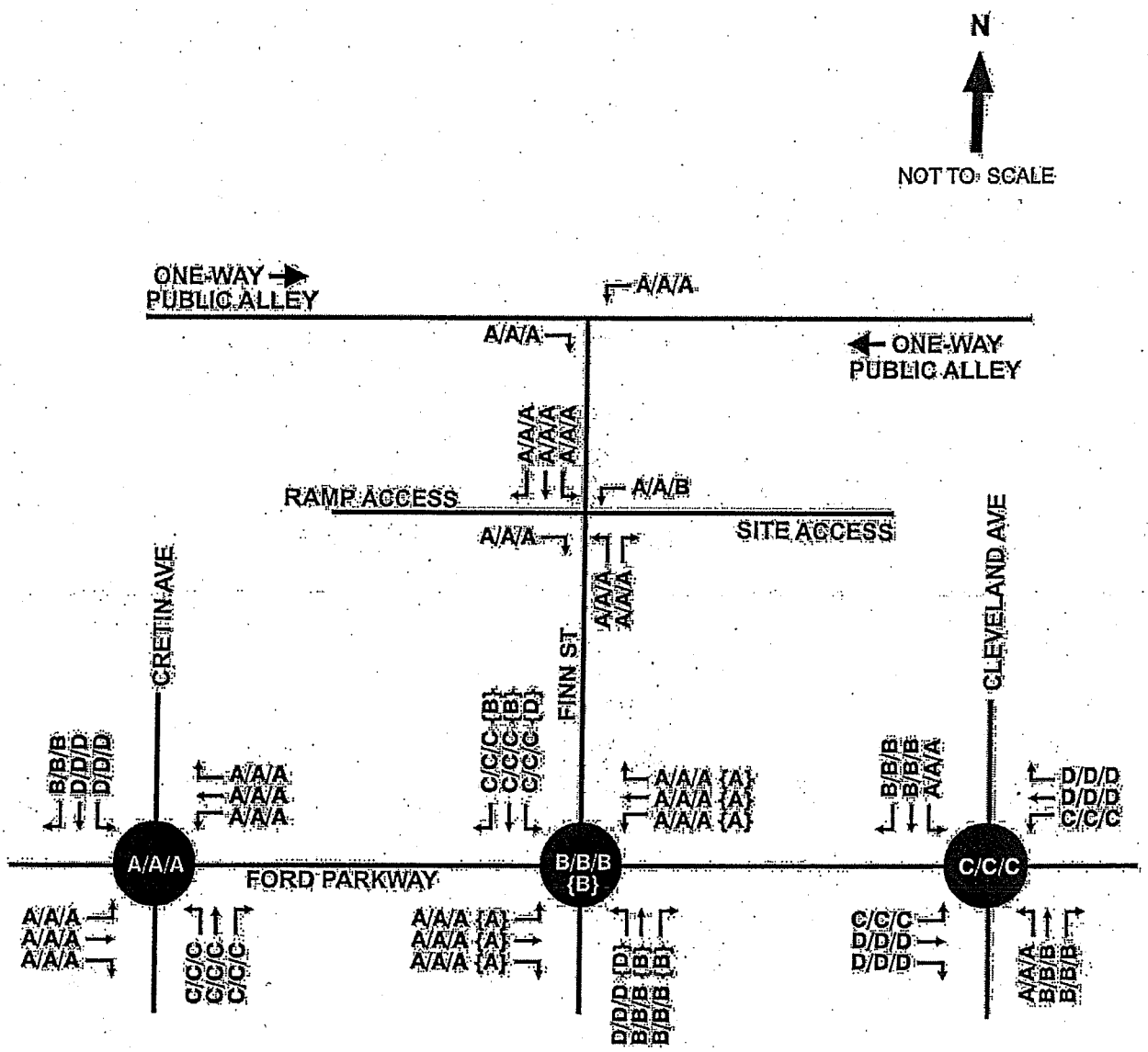
Recommended Street Configuration for Finn Street

Based on the level of service analysis, queuing analysis results, and discussions with the City, the recommended lane configuration for the southbound approach of Finn Street is a southbound left turn lane and a southbound through-right turn lane. The existing roadway width of this segment is 29.5 feet face of curb to face of curb. The recommended width is 36 feet face of curb to face of curb. This width would accommodate a southbound 12 foot through-right turn lane, a 10 foot southbound dedicated left turn lane, and a 14 foot northbound lane.

Pedestrian Safety Along Ford Parkway

As previously noted, the proposed site plan removes two full-access driveways along the subject property frontage, one on Ford Parkway and one on Finn Street. Pedestrian safety along the property frontage is improved by removal of these two existing vehicle/pedestrian conflict points.

The existing signalized intersections studied provide appropriate pedestrian guidance including signal head indications and crosswalks. The proposed project will not have an adverse affect on pedestrian controls at these intersections. Pedestrian signal head timing is independent of traffic volume and is based on roadway width and pedestrian walking speeds.



Note:

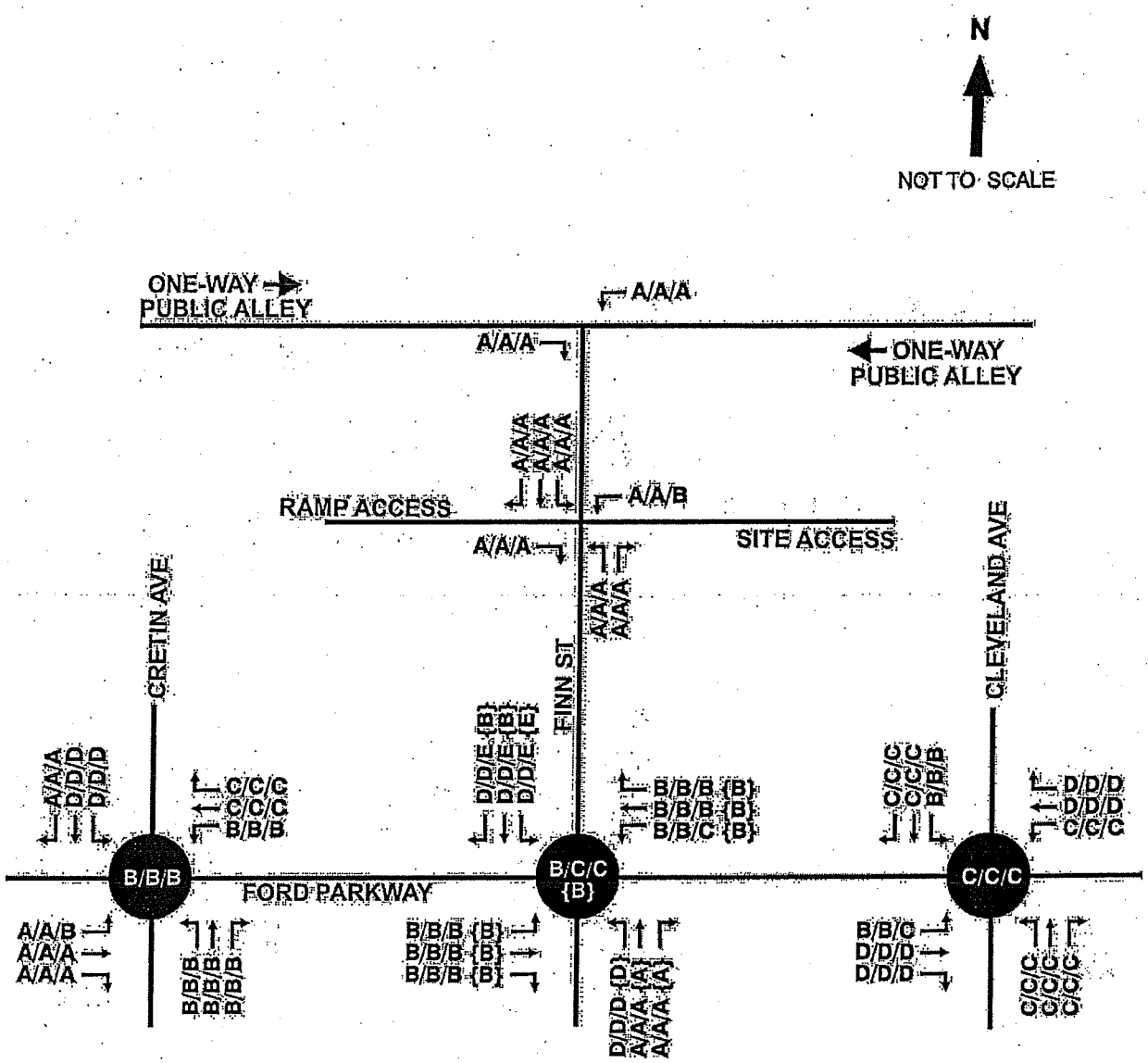
Mitigation at the Ford Parkway/Finn Street intersection consists of adding an additional southbound approach lane to provide two lanes on this approach, one functioning as an exclusive left turn lane, the other as a through-right turn lane.

Wenck
Engineers • Scientists

TRAFFIC IMPACT STUDY
FOR WALGREENS
IN ST. PAUL, MN

FIGURE 7

WEEKDAY AM PEAK HOUR LEVEL OF SERVICE



Note:

Mitigation at the Ford Parkway/Finn Street intersection consists of adding an additional southbound approach lane to provide two lanes on this approach, one functioning as an exclusive left turn lane, the other as a through-right turn lane.

Wenck
Engineers • Scientists

TRAFFIC IMPACT STUDY
FOR WALGREENS
IN ST. PAUL, MN

FIGURE 8

WEEKDAY PM PEAK HOUR LEVEL OF SERVICE

6.0 Conclusions and Recommendations

The conclusions drawn from the information and analyses presented in this report are as follows:

- The proposed development is expected to generate 45 trips during the weekday AM peak hour, 118 trips during the weekday p.m. peak hour, and 1,260 weekday daily trips.

- The intersections of Finn Street/Ramp Access and Finn Street/Public Alley have adequate capacity with existing geometrics and control to accommodate the proposed development while maintaining acceptable levels of service.

- During the a.m. and p.m. peak hours under all study scenarios, all movements at the intersections of Ford Parkway/Cretin Avenue and Ford Parkway/Cleveland Avenue operate at a LOS D or better and the overall intersections operate at LOS C or better. The proposed development has minimal impacts on traffic operations at these intersections. No improvements are needed at these intersections to accommodate the proposed development.

- Based on the level of service analysis, queuing analysis results, and discussions with the City, the recommended lane configuration for the southbound approach of Finn Street is a southbound left turn lane and a southbound through-right turn lane. The existing roadway width of this segment is 29.5 feet face of curb to face of curb. The recommended width is 36 feet face of curb to face of curb. This width would accommodate a southbound 12 foot through-right turn lane, a 10 foot southbound dedicated left turn lane, and a 14 foot northbound lane.

- The transit shelter and bus stop located in the northeast quadrant of the Ford Parkway/Finn Street intersection have been incorporated into the proposed site plan.

- To improve sight lines between westbound vehicles on Ford Parkway and vehicles exiting the right-in/right-out driveway, a no parking restriction on the north side of Ford Parkway along the property frontage should be considered. This restriction would improve sight distance at the proposed right-in/right-out as well as allow westbound vehicles on Ford Parkway to access the site outside of the westbound through lane.

- The existing northbound approach lanes at the intersection of Ford Parkway/Finn Street consist of a left turn and right turn only designation. Modify the existing northbound pavement markings to correlate with the left turn lane and through-right turn only usage.

- Pedestrian safety along the subject property frontage is improved by reducing the number of driveways pedestrians have to cross as well as restricting movements at one of the remaining driveways. The existing signalized intersections studied provide appropriate pedestrian guidance including signal head indications and crosswalks. The proposed project will not have an adverse affect on pedestrian controls at these intersections.

7.0 Appendix

Trip Generation Worksheet

WORKSHEET 3.1

Space is provided below to allow you to calculate the number of trips generated by your proposed development.

Land use	# Units	Trip generation rate	Pass-by trip percentage	Internal trip percentage (multi purpose)	Total trips generated
PROPOSED LAND USE					
Pharmacy/Drug Store w/out D/T	13,983 SF	AM 3.2/1000	30	0	45
Drive-Through w/out		PM 8.42/1000	50	0	118
		Daily 90.08/1000	38	0	1260
EXISTING LAND USE					
Gas/Service w/ conv +	8 VFP	AM 11.93/VFP	55	0	95
Car Wash		PM 13.81/VFP	55	0	112
		Daily 152.84/VFP	55	0	1223
Pizza City Spec Retail	7,500 SF	AM - closed	N/A	N/A	0
		PM 2.71/1000	30	0	21
		Daily 44.32/1000	36	0	355

To: Tom Beach
DSI, 375 Jackson St.

From: Linda Murphy
Traffic Engineering, 800 City Hall Annex

Re: Walgreen's on Finn & Ford

Date: August 25, 2009

Traffic Engineering has reviewed the revised Traffic Impact Study (TIS) submitted by Wenck Associates dated August 14, 2009. We concur with their conclusions as to the impact of the development on the level of service of the area intersections that were analyzed and with respect to their trip assignment methodology and traffic analysis.

They have shown that the Walgreens will generate less traffic than the previous uses that were on the site – the gas station and party supply store. (Table 3, page 4-2)

They have analyzed the intersections of Ford/Finn, Ford/Cretin, and Ford/Cleveland, along with Finn/public alley, Finn/Ramp access plus their proposed driveways. All movements at all intersections currently operate at a level of service (LOS) of D or better in both the AM and PM peak and the overall intersections operate at a LOS of C or better. A LOS of D or better is an acceptable level. Levels of E or F would require some mitigation to improve the level of service.

Intersections of Ford/Cretin & Ford/Cleveland

Their study shows that the impact of the Walgreens development on the intersections of Ford/Cretin and Ford/Cleveland will be insignificant. Figure 6 of their study shows there will be less than a 2% increase in traffic at the Ford/Cleveland intersection in the PM peak hour due to the development, and less than a 1% increase in traffic at the Ford/Cretin intersection. The PM peak is used as a reference because that is the worst hour of traffic.

All movements at these two intersections will continue to operate at a LOS of D or better in the AM and PM peak with a LOS of C or better for the overall operation of intersections during the AM and PM peak. No improvements are needed at these intersections to accommodate this development.

Intersection of Ford/Finn

All movements at the intersection of Ford/Finn currently operate at a LOS of D or better in the AM and PM peak and the overall intersection currently operates at a LOS of C or better. With this development the southbound movement would go from a LOS D to a LOS E during the PM peak.

Walgreen's is proposing to add an additional southbound approach lane on Finn at Ford which would improve the LOS to D or better for all movements PM peak, and an overall LOS of B for the operation of the entire intersection. This is an improvement over the current LOS of C for the entire intersection in the PM peak.

Intersections of Finn/Public Alley and Finn/Ramp

Their study shows no improvements necessary at this intersection due to their development. The neighborhood has requested a bump-out on the north side of the Walgreen's Finn driveway to provide a barrier to prevent northbound Finn traffic from entering the one-way alley from the wrong direction. We are in agreement with the neighborhood request.

For the intersection of Finn and the parking ramp driveway, their study shows that under all scenarios, all movements will operate at LOS B or better in both the AM and PM peak. No improvements are necessary at this driveway to accommodate the development.

Pedestrian Safety and Development Driveways

We concur with their conclusions regarding improved pedestrian safety due to the removal of 2 full access driveways along the site. We have also requested their monument sign not be placed near their driveway, to maintain good sight lines for drivers exiting the Ford Parkway driveway.

Traffic Recommendations

After reviewing Walgreen's revised Traffic Impact Study and revised site plan, Traffic Engineering recommends approval of their plan and study subject to the following requirements:

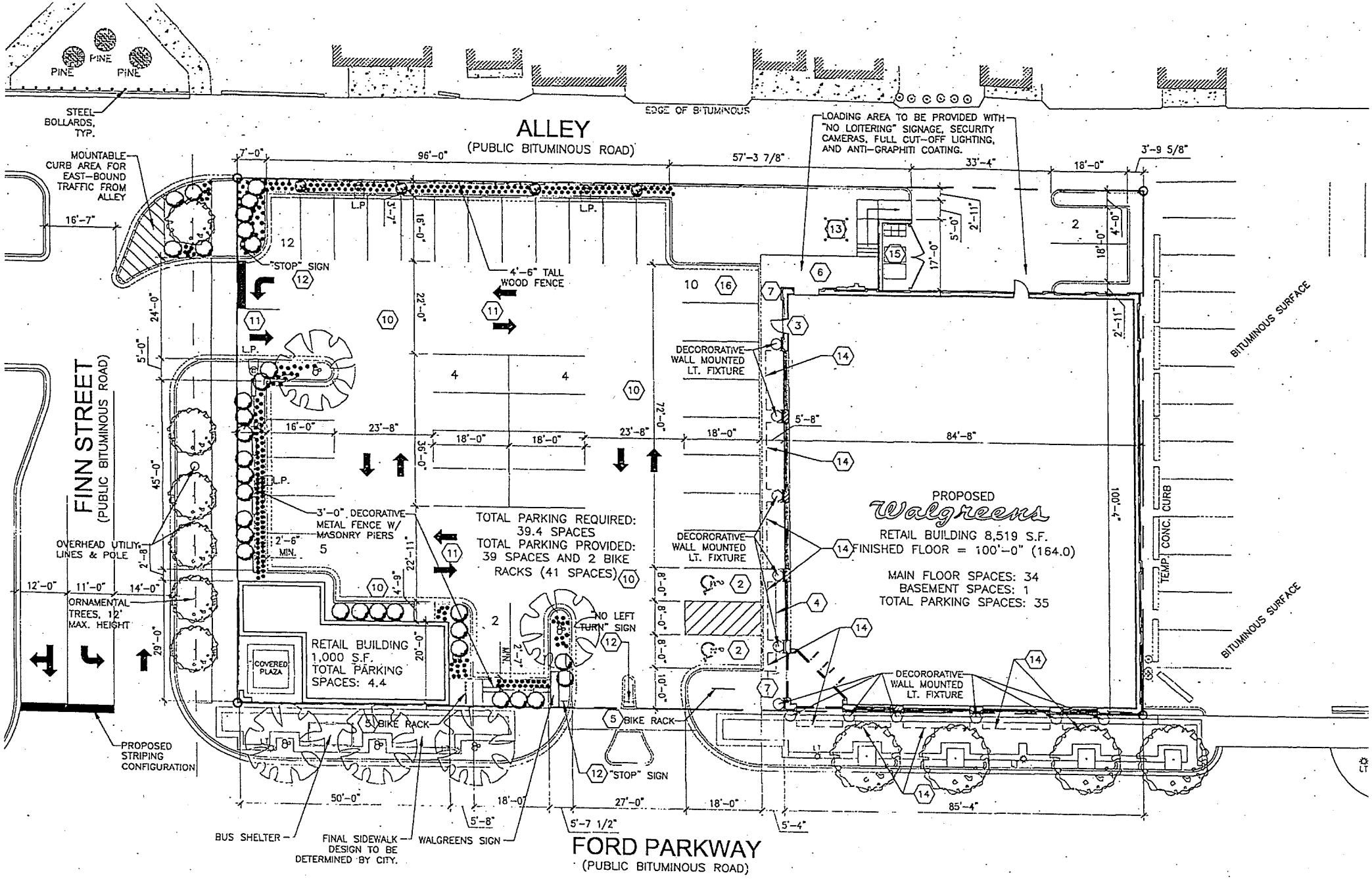
Walgreen's shall widen Finn Street north of Ford under an ordinance permit issued by Public Works Street Engineering in accordance Traffic Engineering's recommendations as stated in paragraph 4, page 6-1 of their TIS and as shown on their latest site plan incorporated into the TIS. All costs for the reconstruction of Finn and changes to the Finn/Ford intersection shall be the responsibility of the developer including, but not limited to relocating signal, lighting and other facilities.

Their site plan shall include the following note: "Signs regulating parking and/or traffic on private property shall be installed by the property owner or contractor outside of the public right-of-way. Signs approved by Public Works Traffic Engineering regulating parking and/or traffic in the public right-of-way for this development shall be installed by City forces at the expense of the development. Contact Linda Murphy, Traffic Engineering, 651-266-6205 six weeks in advance of needed signs."

Their monument sign near the Ford Pkwy driveway needs to be moved away from their driveway to allow clear visibility of pedestrians for exiting drivers.

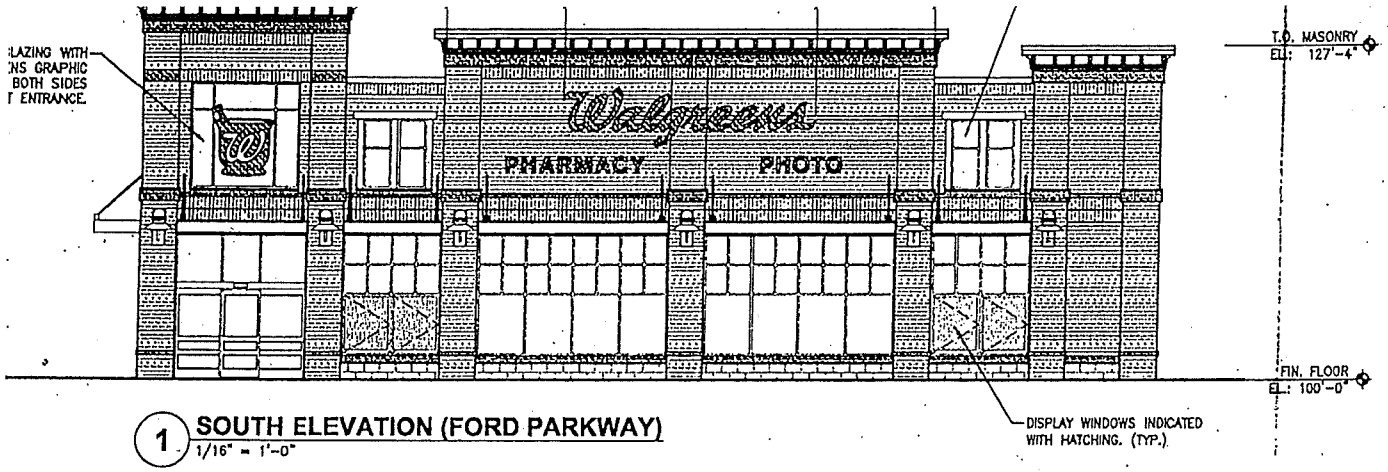
Public Works can also ban parking, as necessary, on either side of their driveway to further enhance site lines for exiting drivers. All costs for the installation of No Parking signs would be the responsibility of the project.

Plantings on the bump-out at the Finn driveway just south of the alley must be low plantings no higher than 18" at maturity to prevent sight line issues.

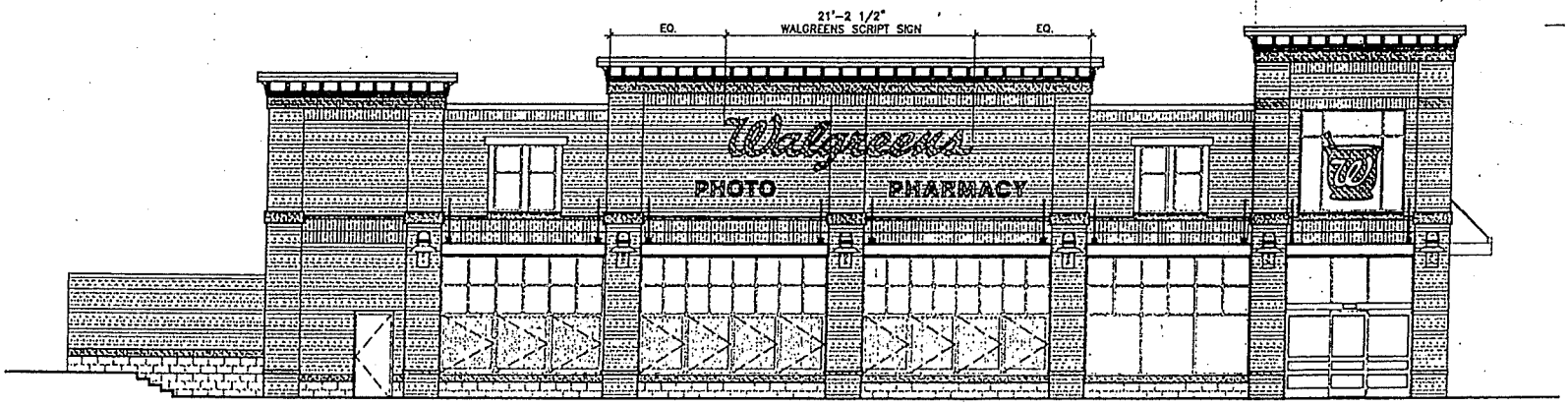


Site Plan

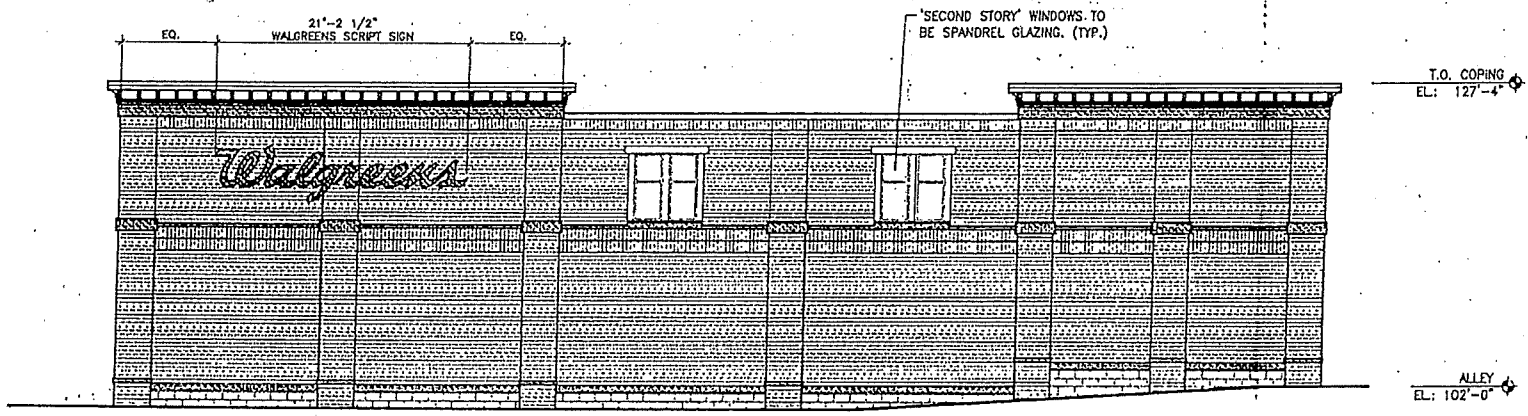
North



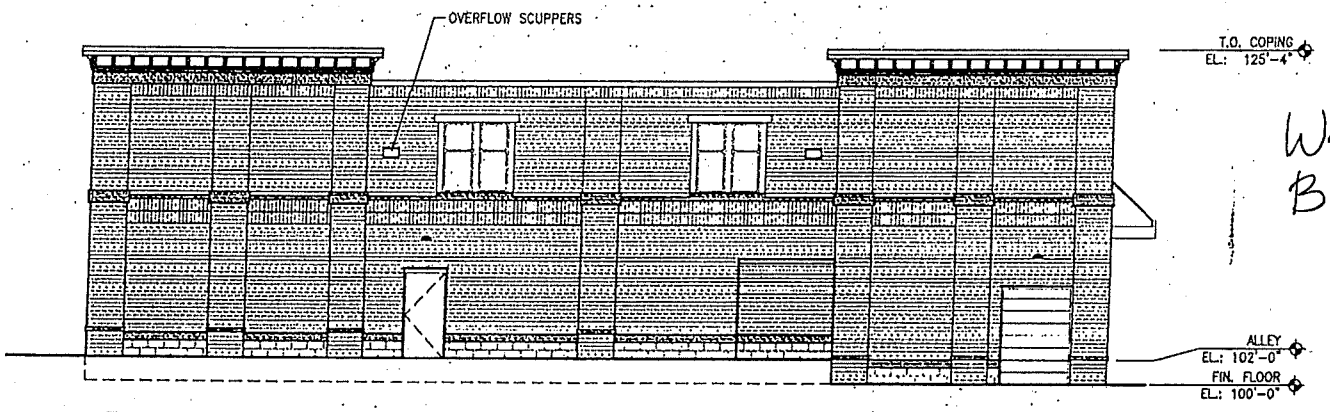
1 **SOUTH ELEVATION (FORD PARKWAY)**
1/16" = 1'-0"



2 **WEST ELEVATION**
1/16" = 1'-0"

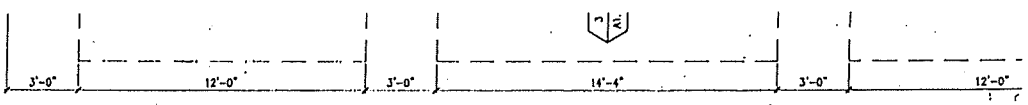


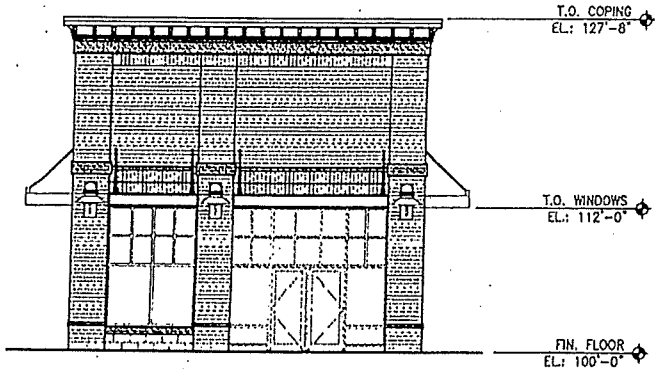
3 **EAST ELEVATION**
1/16" = 1'-0"



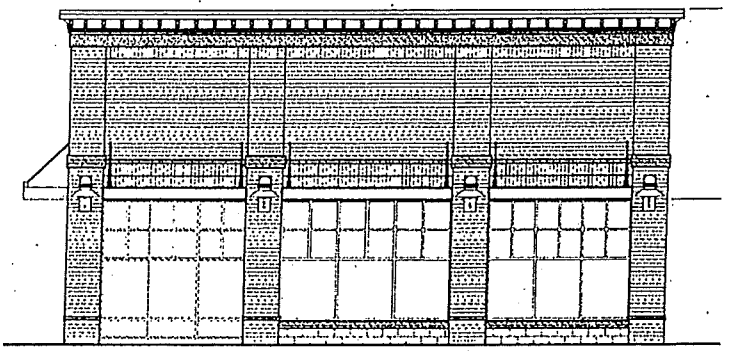
Walgreens
Bldg

NORTH ELEVATION (ALLEY)

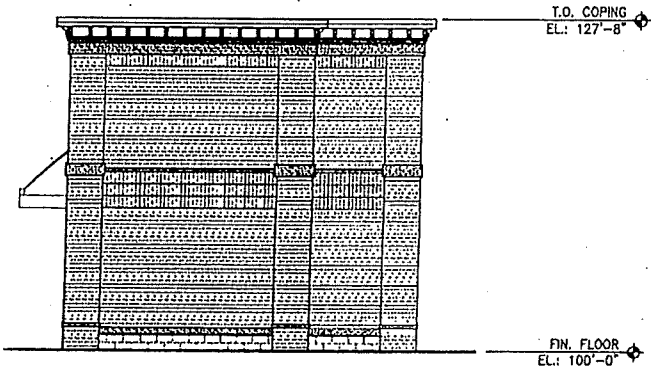




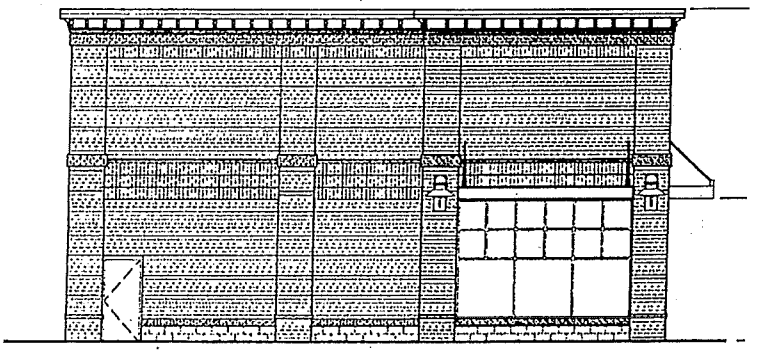
2 **WEST ELEVATION**
1/16" = 1'-0"



3 **SOUTH ELEVATION**
1/16" = 1'-0"

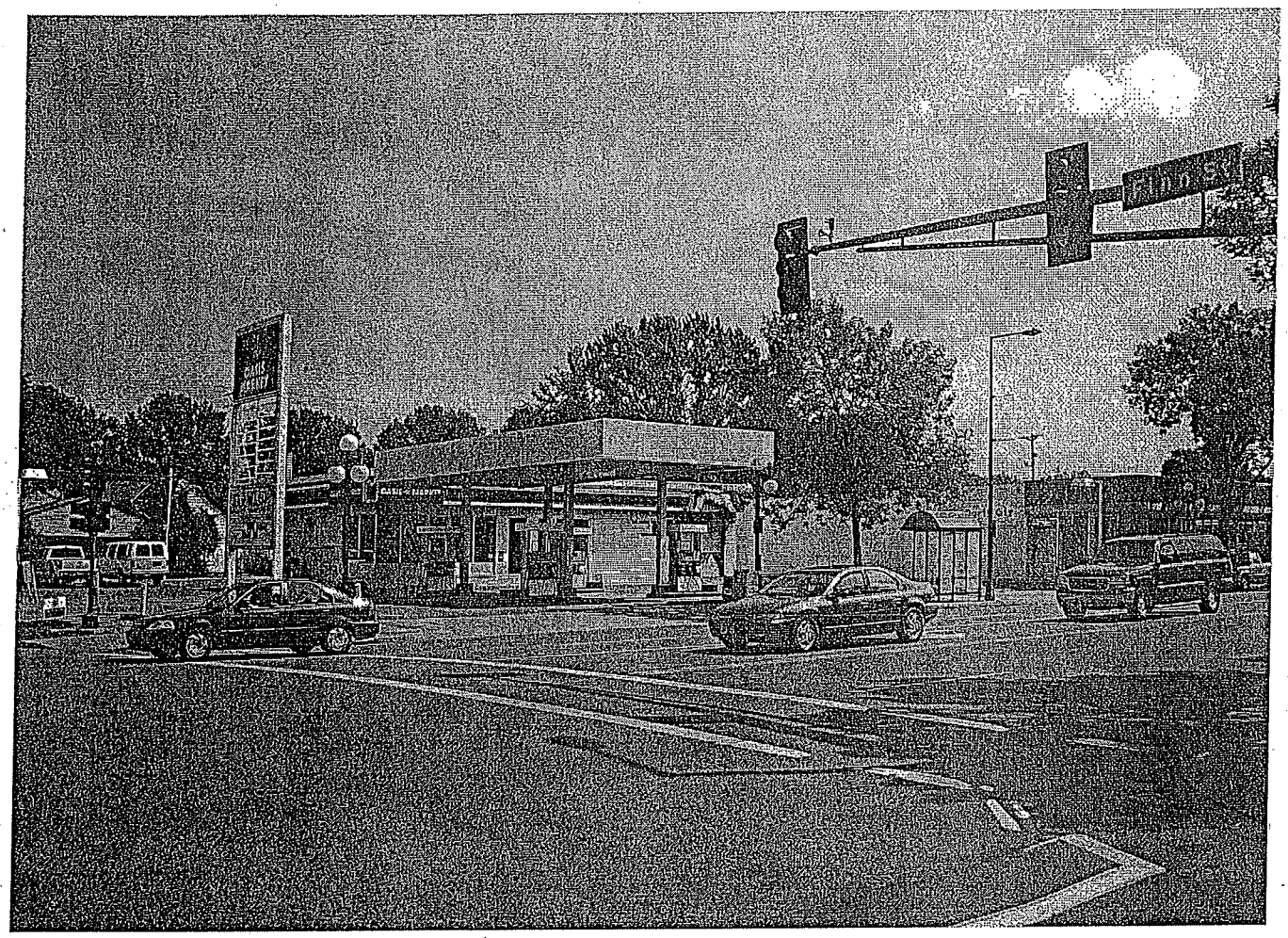


4 **EAST ELEVATION**
1/16" = 1'-0"

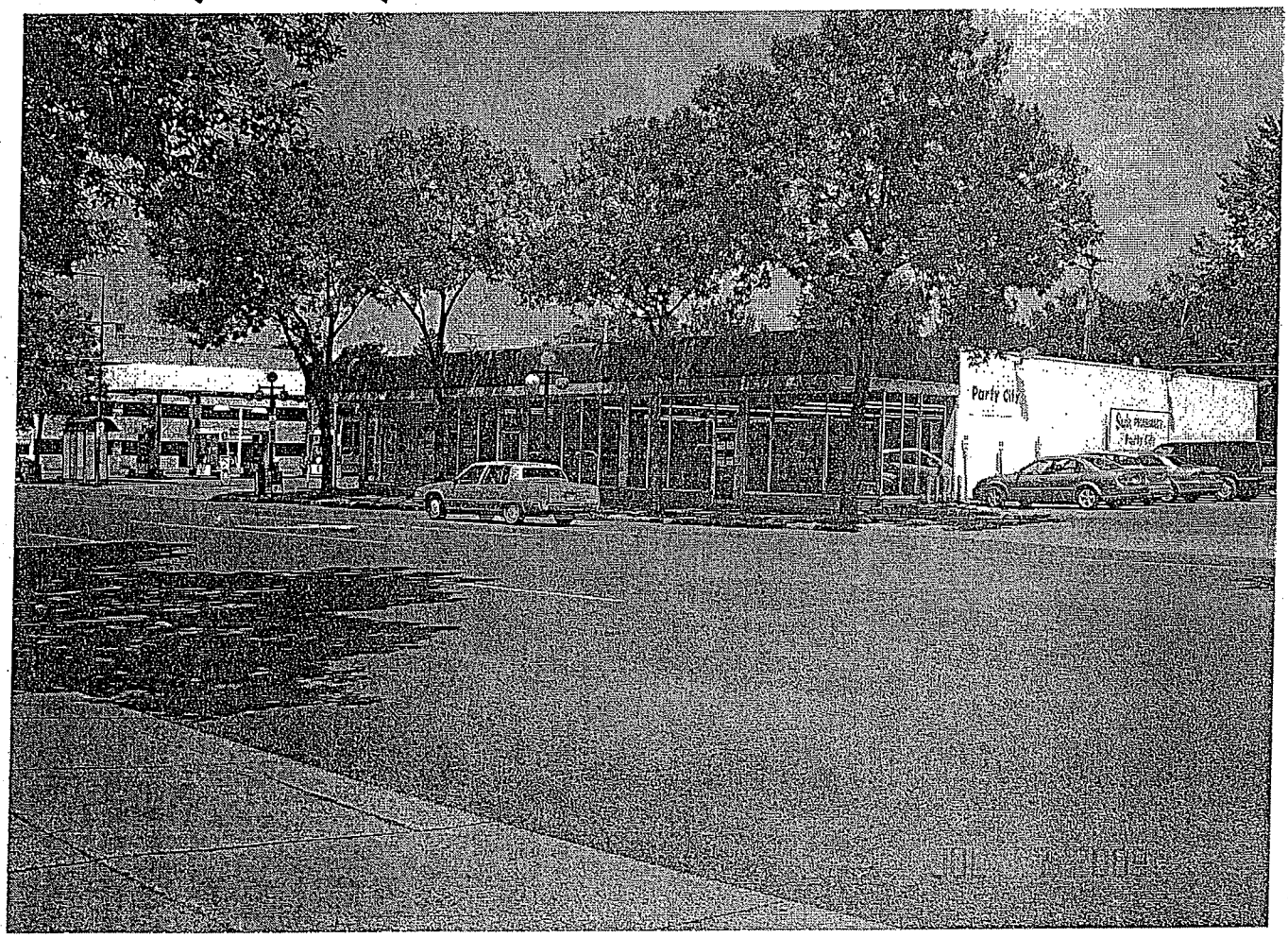


5 **NORTH ELEVATION**
1/16" = 1'-0"

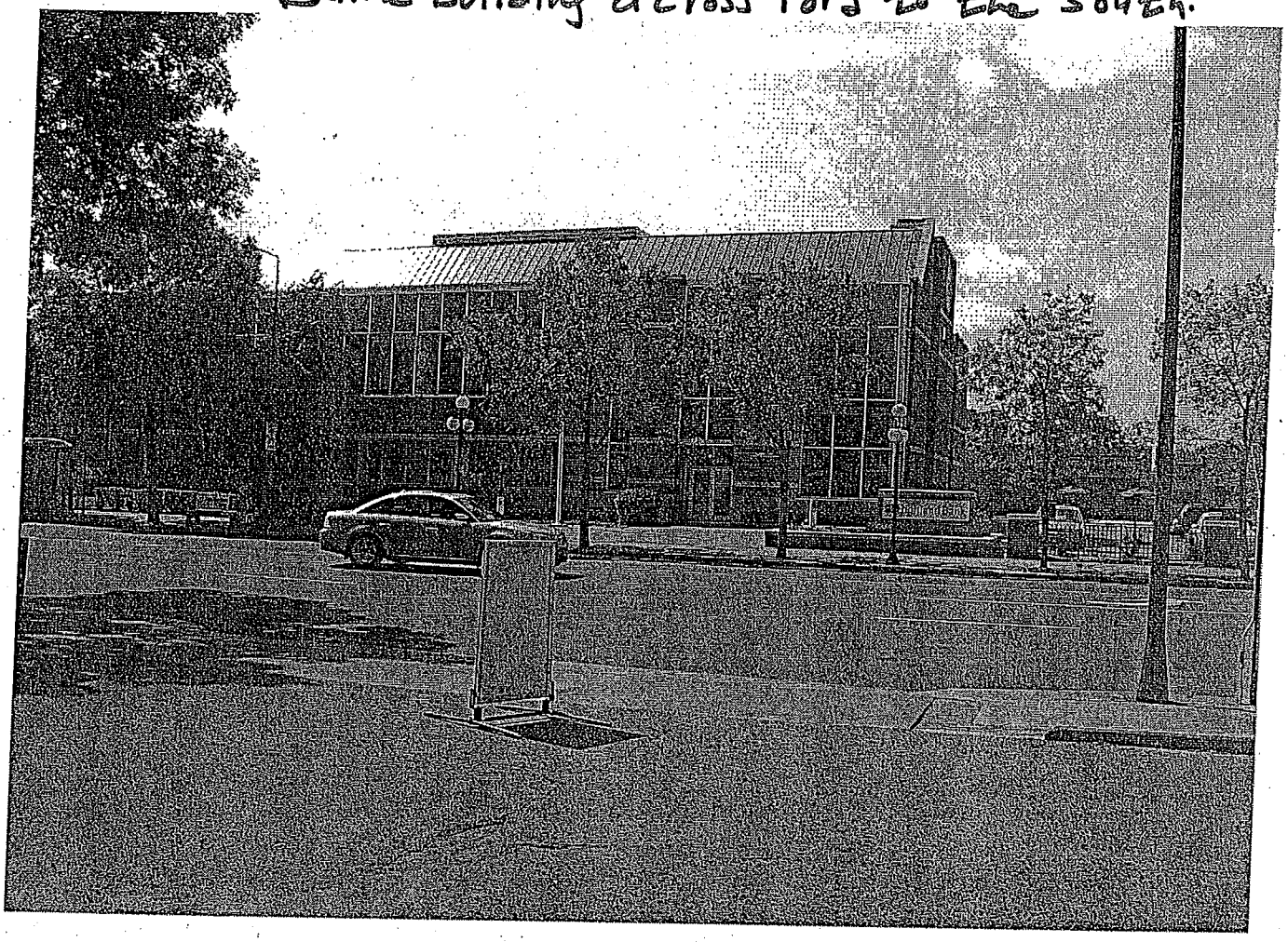
Small Commercial Building at Corner of Ford & Finn

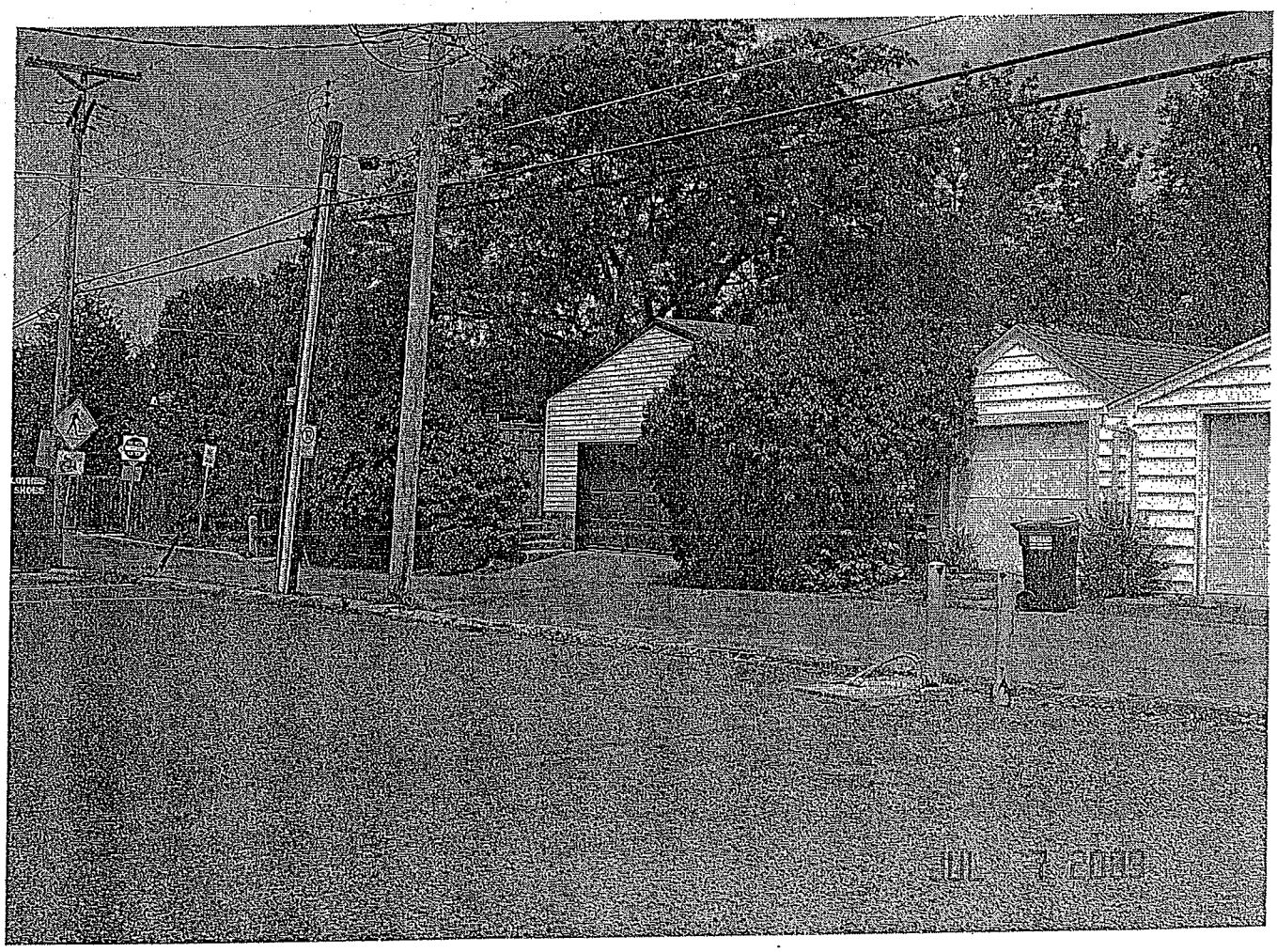


↕ Looking north across Ford Pkwy to the site.

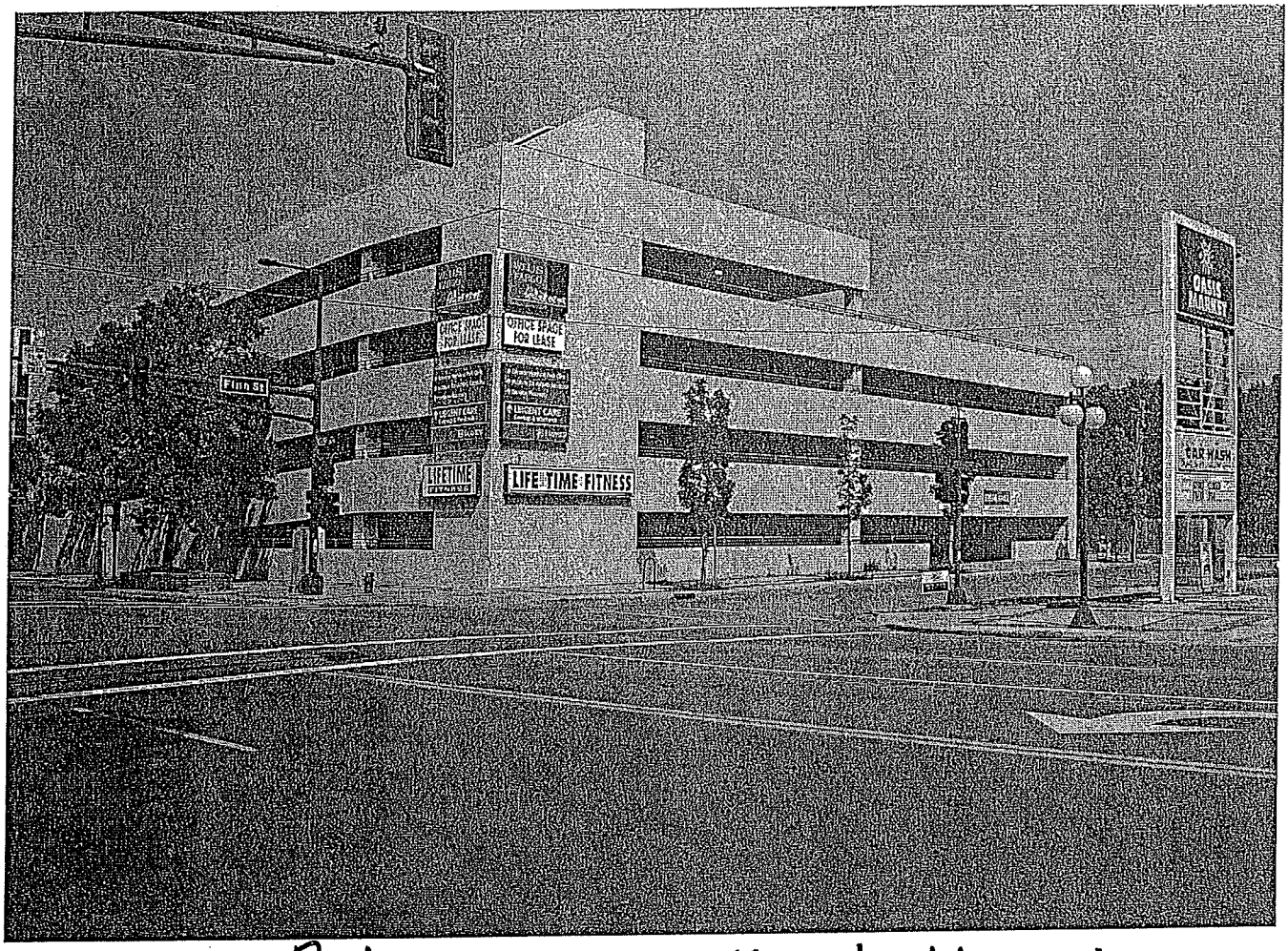


Bank building across Ford to the South.

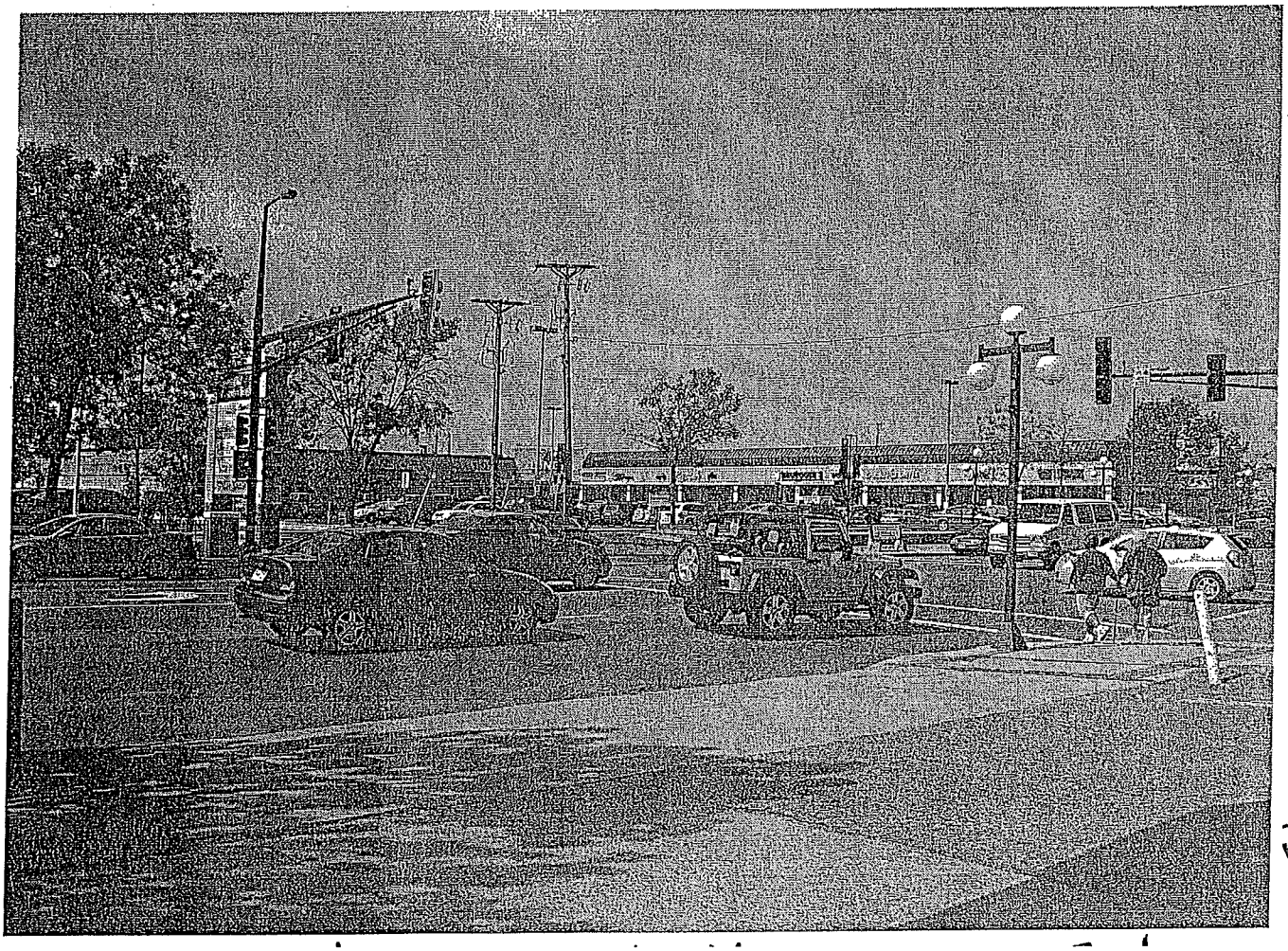




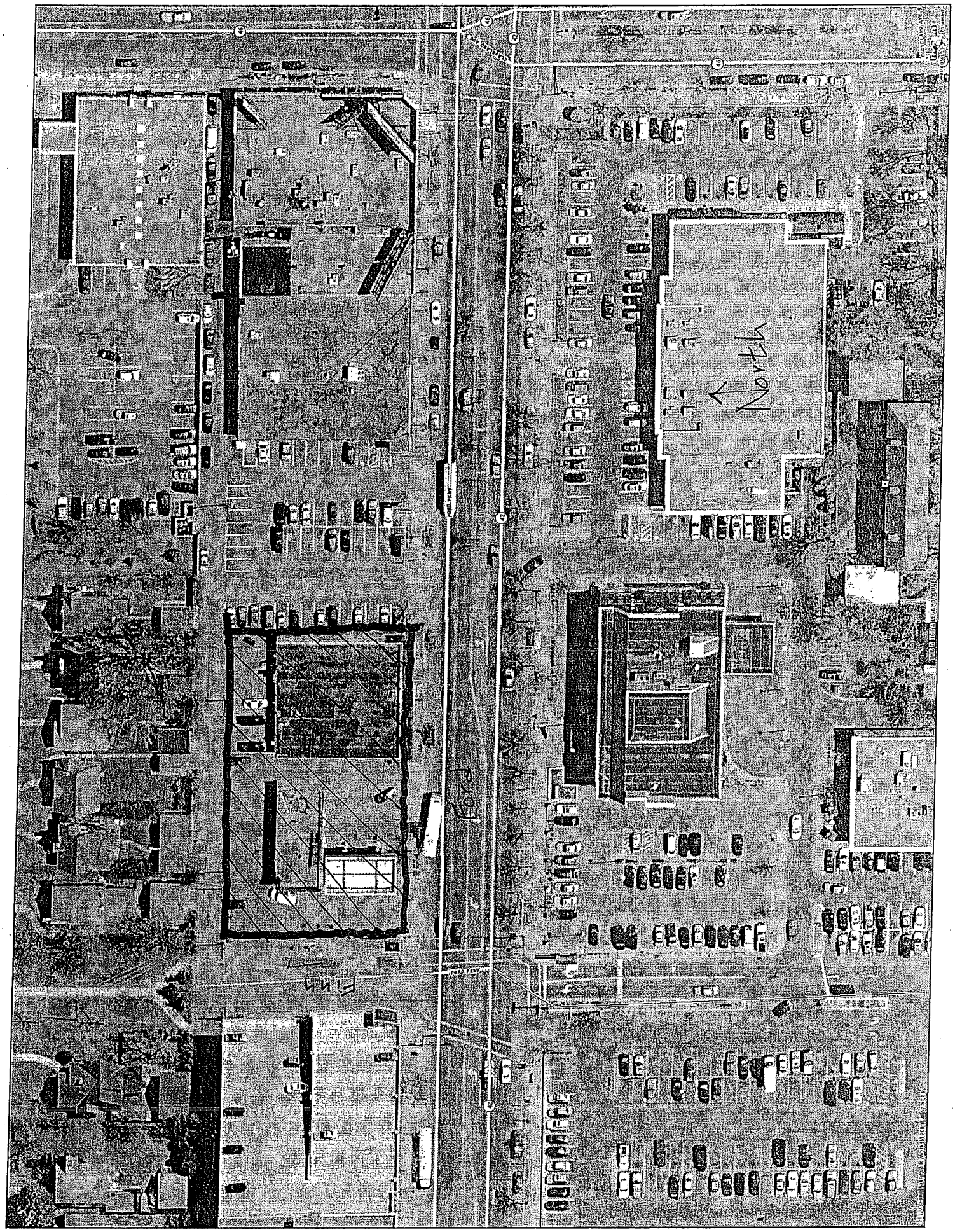
Garages across the alley to the north

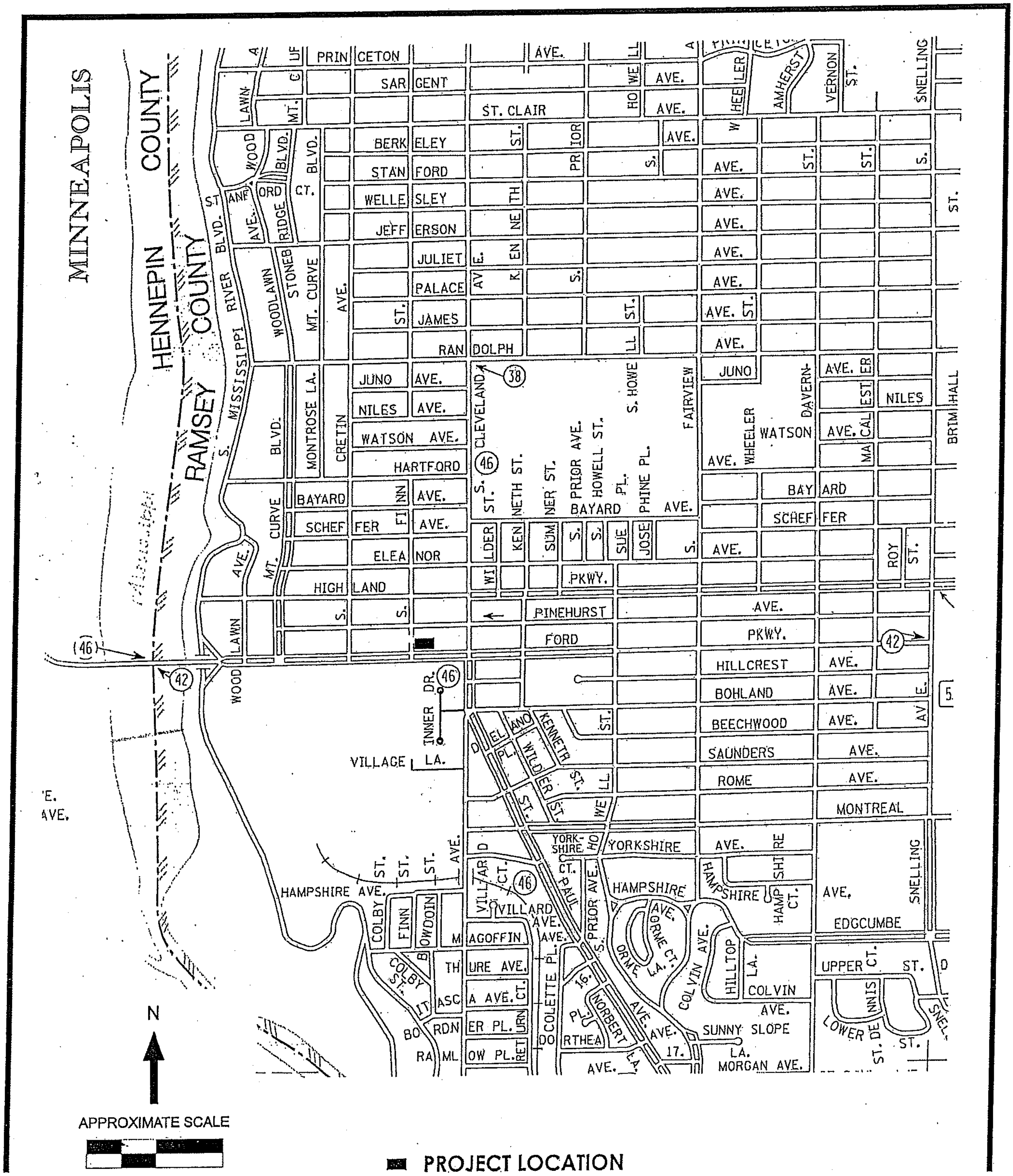


Parking ramp across Finn to the west



Shopping center across Ford to the southwest


North


MINNEAPOLIS
HENNEPIN COUNTY
RAMSEY COUNTY
S. MISSISSIPPI RIVER BLVD.
PRINCETON
SARGENT
ST. CLAIR
BERKELEY
STANFORD
WELLESLEY
JEFFERSON
JULIET
PALACE
JAMES
RANDOLPH
JUNO AVE.
NILES AVE.
WATSON AVE.
HARTFORD
BAYARD AVE.
SCHEFFER AVE.
ELEANOR
HIGHLAND PKWY.
PINEHURST AVE.
FORD PKWY.
HILLCREST AVE.
BOHLAND AVE.
BEECHWOOD AVE.
SAUNDERS AVE.
ROME AVE.
MONTREAL
YORKSHIRE AVE.
HAMPSHIRE AVE.
EDGCUMBE
UPPER ST. DENNIS CT.
COLVIN AVE.
SUNNY SLOPE LA.
MORGAN AVE.
S. CLEVELAND AVE.
KENNETH ST.
S. PRIOR AVE.
S. HOWELL ST.
FAIRVIEW
WHEELER
DAVERN
MACALESTER
BRIMHALL
SNELLING
VERNON ST.
AMHERST
WOODLAWN AVE.
MT. CURVE BLVD.
MONTROSE LA.
CRETIN AVE.
STONEBRIDGE
FINN
VILLAGE LA.
INNER DR.
S. PRIOR AVE.
MAGOFFIN AVE.
VILLARD AVE.
COLBY ST.
HILLTOP LA.
LOWER ST. DENNIS
ROY ST.
46
42
38
N
APPROXIMATE SCALE
PROJECT LOCATION

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Tou Yang **FILE #**10-005-258
2. **APPLICANT:** Tou Yang **HEARING DATE:** January 28, 2010
3. **TYPE OF APPLICATION:** Nonconforming Use Permit-Reestablishment
4. **LOCATION:** 1224 Kennard St, between Orange and Maryland
5. **PIN & LEGAL DESCRIPTION:** 222922440135; GERARDINE'S GARDEN LOTS N 123 FT OF W 1/2 OF LOT 26
6. **PLANNING DISTRICT:** 2
7. **ZONING CODE REFERENCE:** §62.109(d) **PRESENT ZONING:** R3
8. **STAFF REPORT DATE:** January 14, 2010 **BY:** Sarah Zorn
9. **DATE RECEIVED:** January 7, 2010 **60-DAY DEADLINE FOR ACTION:** March 8, 2010

A. **PURPOSE:** Re-establishment of nonconforming use as a duplex

B. **PARCEL SIZE:** 123 ft. (Kennard) x 75 ft. = 9,225 sq. ft.

C. **EXISTING LAND USE:** R-Duplex

D. **SURROUNDING LAND USE:**

North: Single family residential (R3)

East: Single family residential (R3)

South: Single family residential (R3)

West: Single and two-family residential (R3)

E. **ZONING CODE CITATION:** §62.109(d) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.

F. **HISTORY/DISCUSSION:** There is no zoning history specific to this property.

G. **DISTRICT COUNCIL RECOMMENDATION:** The District 2 Council had not commented at the time this staff report was prepared.

H. **FINDINGS:**

1. The property has been registered as rented duplex beginning in 2004. In 2007 a provisional certificate of occupancy was issued. The certificate of occupancy was revoked in July of 2008. The property has been registered as vacant since August of 2008. Because the property has been vacant for more than 365 days, the applicant is required to re-establish the duplex use.
2. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings*:

   (1) The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose. This condition is met. The property was constructed as a side-by-side duplex. It would be unreasonable to use this structure as a single family dwelling.

   (2) The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use. This condition is met. The proposed duplex use is equally appropriate as the previous use as a duplex.

   (3) The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. This condition is met. The property was constructed in 1954 as a side-by-side duplex. Its continued use as a duplex can not be considered detrimental to the existing character of development in the immediate neighborhood.

   (4) The proposed use is consistent with the comprehensive plan. This condition is met. The

District 2 plan lists the goal of supporting a well-maintained mix of housing types for all ages, incomes, family types, and household sizes (p. 3). In addition, the Housing Policy Plan supports production of rental housing (Policy 5.3) and the Land Use Plan supports a range of housing types (Objective 5.3). The proposed Housing Policy Plan lists a policy of increasing housing choices across the city to support economically diverse neighborhoods (strategy 1.1).

(5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This condition is met. The petition was found sufficient on January 11, 2010: 12 parcels eligible; 8 parcels required; 8parcels signed.

3 The Planning Commission has established guidelines for applications for nonconforming use permits for duplexes. While not themselves requirements, these guidelines lay out additional more objective factors the Planning Commission wishes to consider in determining if the required findings for granting nonconforming use permits listed in §62.109 of the Zoning Code can be made. The Planning Commission's Duplex Conversion Guidelines state that for applications for nonconforming use permits for duplexes in residential districts, staff will recommend denial unless the following guidelines are met:

A. *Lot size of at least 5000 square feet with a lot width or front footage of 40 feet.* This guideline is met. The property is 9,225 square feet with 125 feet of street frontage along Kennard.

B. *Gross living area, after completion of duplex conversion, of at least 1,500 square feet. Neither unit shall be smaller than 500 square feet.* This guideline is met. The applicant has provided floor plans that show 1,612 sq. ft. of gross living area and the units are of a sufficient size.

C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.* This guideline is met. There is a two car garage on the property. In addition, there is ample on-street parking in this area.

D. *All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance.* This guideline is met. The applicant has not proposed any significant remodeling other than that required by code.

E. *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.* This guideline can be met. The applicant will need to work with the Department of Safety and Inspections regarding the certificate of occupancy and code compliance issues.

I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the re-establishment of legal nonconforming use as a duplex subject to the condition that the applicant shall obtain a certificate of occupancy for a duplex.

NONCONFORMING USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only
File # 10-005258
Fee: 650.00
PD-2
Tentative Hearing Date: 1-28-10
2292244013 5

APPLICANT

Name Tou Y. YANG
Address 4218 Clark circle
City Vadnais Heights St. MN Zip 55127 Daytime Phone 651-769-4100
Name of Owner (if different)
Contact Person (if different) Phone

PROPERTY LOCATION

Address / Location 1224-1226 Kennard st., St Paul MN 55106
Legal Description side x side duplex
Current Zoning R3
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 102, Subsection i, Paragraph _____ of the Zoning Code.

The permit is for:
- ☐ Change from one nonconforming use to another (para. 3 in Zoning Code)
- ☒ Re-establishment of a nonconforming use vacant for more than one year (para. 5)
- ☐ Legal establishment of a nonconforming use in existence at least 10 year (para. 1)
- ☐ Enlargement of a nonconforming use (para. 4)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

CHANGE IN USE: Present / Past Use Duplex

OR RE-ESTABLISHMENT: Proposed Use Duplex

Additional information for all applications (attach additional sheets if necessary):

CK 2948
650.00
1-7-10
pdd

Attachments as required: ☒ Site Plan ☒ Consent Petition ☒ Affidavit

Applicant's Signature _____ Date _____ City Agent pdd 1-7-10

NONCOnFORMING USE PERMIT

Re-Establishment of nonconforming use
Section 62.109(e)

Required Findings:

1. The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.

This structure was originally built as a side-by-side duplex. If the nonconforming duplex zoning cannot be re-establish, this property will have to be purchase as a single family resident. In order to convert this duplex structure into a single-family structure according to current building code, the plumbing, electrical and room arrangement would have to be converted in accordance to current single-family building code. However, if the nonconforming duplex zoning can be re-establish, the buyer will only be required to repair the property according to the code compliance report and re-register the property after the repairs have pass inspection. Therefore, the proposed use is more economically feasible.

2. The proposed use is equally appropriate or more appropriate to the district that the previous nonconforming use.

The proposed use is to re-establish the previous nonconforming duplex zoning that this property has been used as. Trying to re-establish what the property was previously used as is equally appropriate to the district.

3. The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.

The structure was originally designed built as a side by side duplex and has remained in use as a nonconforming duplex until it was foreclosed and registered as a vacant building. The proposed use is not to try and convert the property zoning but to re-establish the previous nonconforming duplex zoning in which it has been use for the original intention of this property. Although this neighborhood is predominantly a single-family district, there are properties that were built as duplexes and are currently being used as nonconforming duplexes. Because of the original design and the surrounding nonconforming duplexes properties, the proposed use will not affect the current neighborhood.

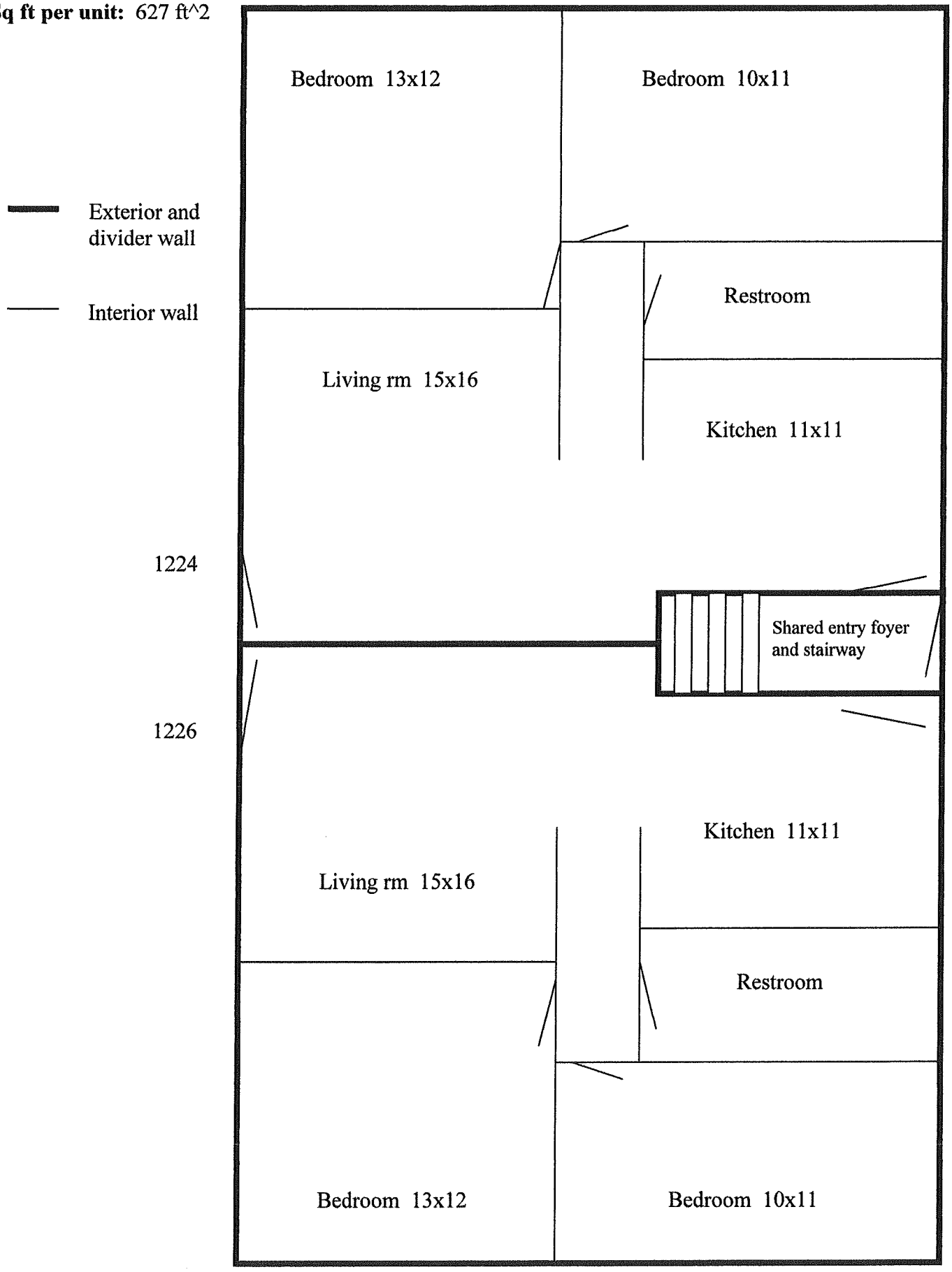
4. The use is consistent with the comprehensive plan.

The proposed use is to re-establish the nonconforming duplex zoning in which this property has been used as and will not alter the current structure or land in any way. When considering that there are currently nonconforming duplex properties in the neighborhood, the proposed should be consistent with the comprehensive plan.

5. A notarized petition of two-thirds of the property owners within 100 feet of the property has been obtained stating support for the use.

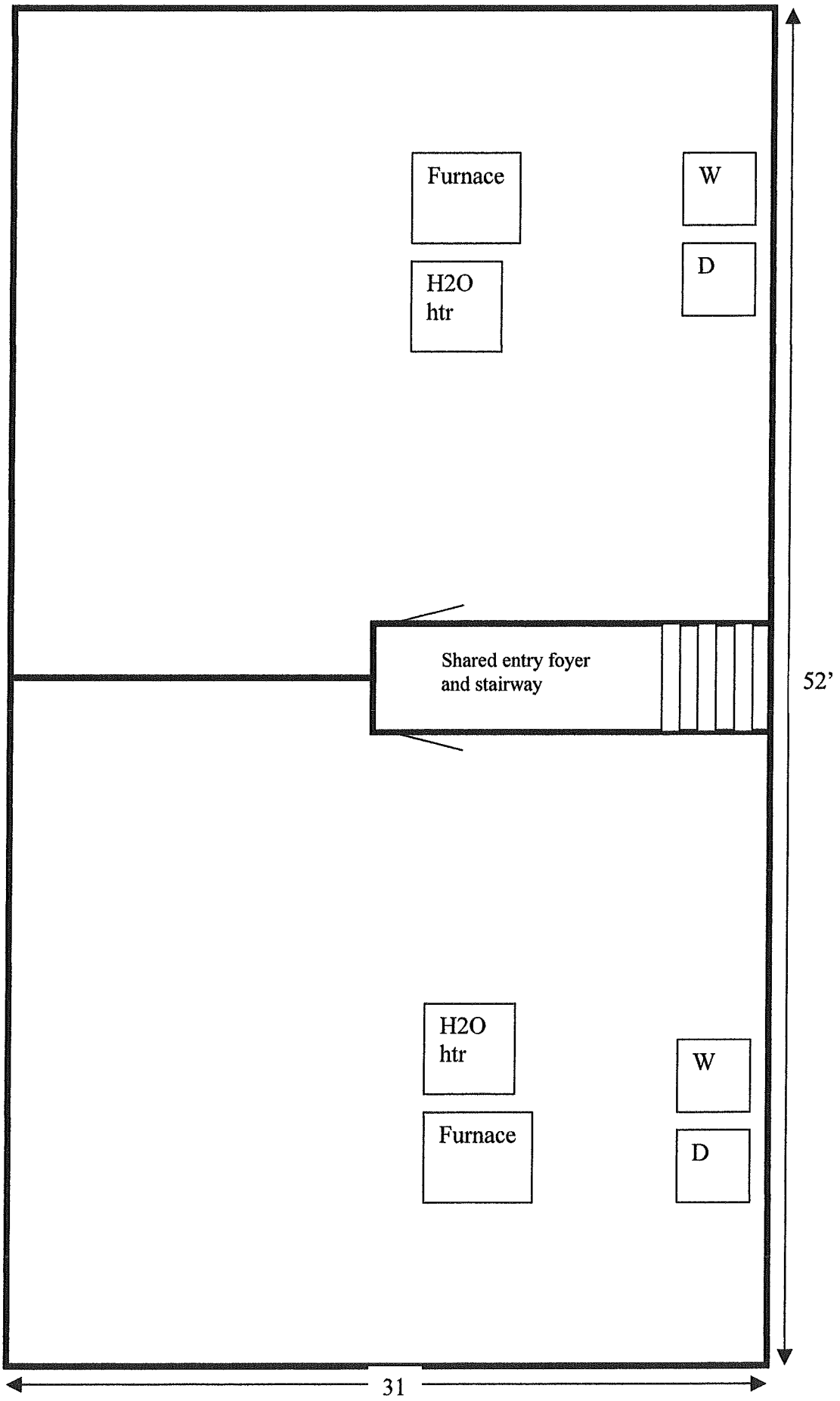
Attached is the notarized petition with two-thirds of the property owners within 100 feet.

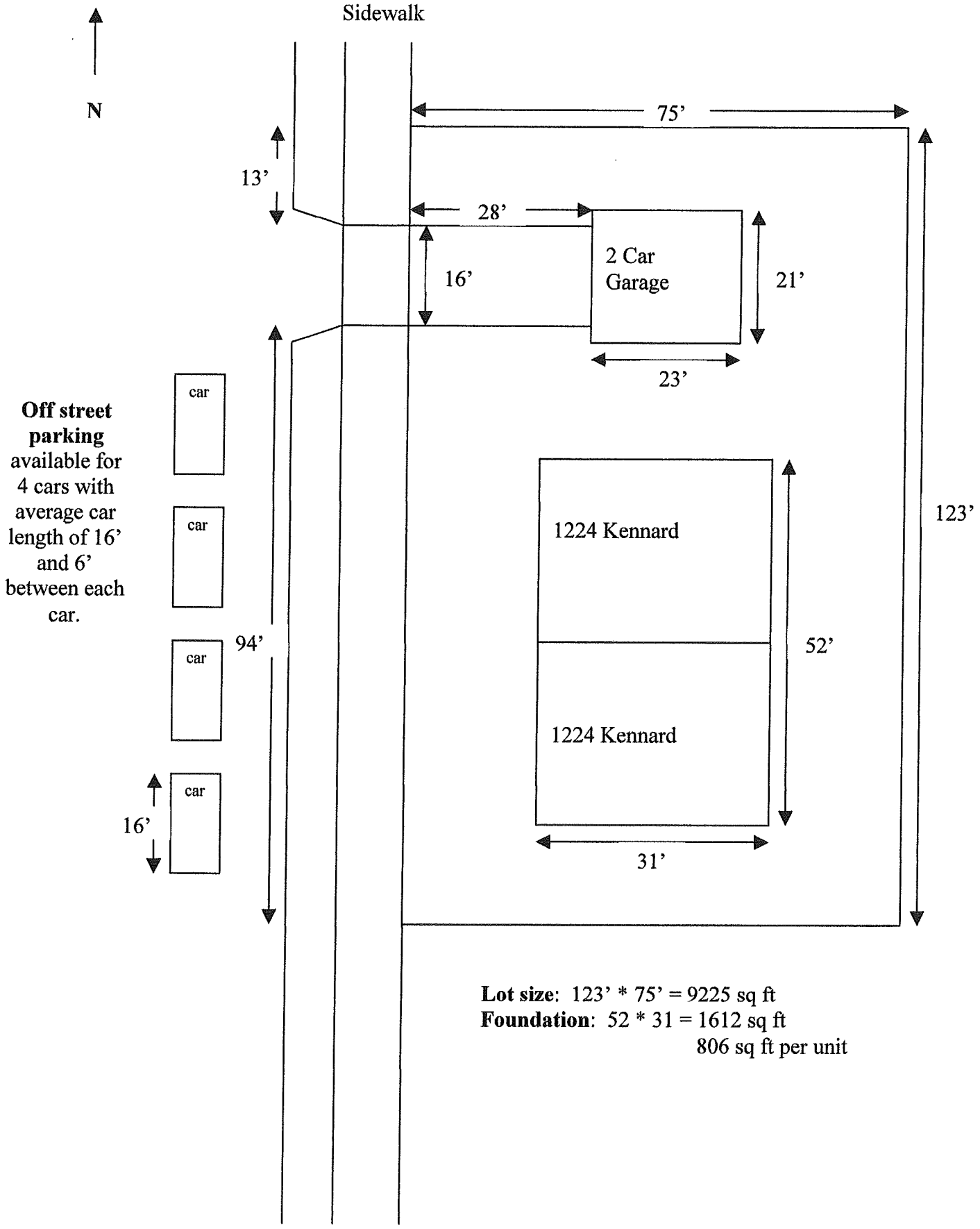
Structure Type: Single Level Side x Side Duplex with Full Basement
Floor Plan: Main Level
Sq ft per unit: 627 ft^2



Floor Plan: Full Unfinished Basement

Foundation: 52x31 = 1612





Off street parking available for 4 cars with average car length of 16' and 6' between each car.

Lot size: 123' * 75' = 9225 sq ft
Foundation: 52 * 31 = 1612 sq ft
806 sq ft per unit

DEPARTMENT OF SAFETY AND INSPECTIONS
Bob Kessler, Director

CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street,, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-9090
Facsimile: 651-266-9099
Web: www.stpaul.gov/dsi

February 27, 2009

GRC/FNMA C/O BRIAN DELISLE
438 5TH ST N
BAYPORT MN 55003

Re: 1224 – 1226 Kennard St
File#: 08 125682 VB2

Dear Property Owner:

The following is the Code Compliance report you requested on February 23, 2009.

Please be advised that this report is accurate and correct as of the date of this letter. All deficiencies identified by the City after this date must also be corrected and all codes and ordinances must be complied with. This report is valid for 365 days from this date. This report may be used in lieu of a Truth in Housing Report required in St Paul Legislative Code 189. This building must be properly secured and the property maintained at all times.

In order to sell or reoccupy this property the following deficiencies must be corrected:

BUILDING

1. Repair or replace garage foundation walls.
2. Provide safety cables at overhead garage door springs.
3. Provide one hour separation between units under basement stairs or with rated doors.
4. Provide fire rated sheetrock on the under side of basement stairs.
5. Clean gutters.
6. Insure basement cellar floor is even, is cleanable, and all holes are filled.
7. Install handrails and guardrails at all stairways, including basement stairways, per attachment.
8. Tuck Point interior/exterior of foundation.
9. Install floor covering in the bathroom and kitchen that is impervious to water.
10. Maintain one-hour fire-separation between dwelling units and between units and common areas.
11. Install 20-minute fire-rated doors, with self-closing device, between common areas and individual units.
12. Provide smoke detectors per the Minnesota Building Code and carbon monoxide detectors per State law.
13. Provide proper drainage around house to direct water away from foundation.
14. Install downspouts and a complete gutter system.

BUILDING

15. Install rain leaders to direct drainage away from the foundation.
16. Provide general rehabilitation of garage.
17. Repair or replace damaged doors and frames as necessary, including storm doors.
18. Air-seal and insulate attic access door in an approved manner.
19. Dry out basement and eliminate source of moisture.
20. Remove mold, mildew and moldy or water-damaged materials.
21. Verify proper venting of bath exhaust fan to exterior.

ELECTRICAL

1. Provide a complete circuit directory at service panel indicating location and use of all circuits
2. Verify/install a separate 20 ampere laundry circuit & a separate 20 ampere kitchen appliance circuit
3. Verify that fuse/circuit breaker amperage matches wire size
4. Properly strap cables and conduits in basement/ service conduit on the exterior of the house
5. Repair or replace all broken, missing or loose light fixtures, switches & outlets, covers and plates
6. Check all outlets for proper polarity and verify ground on 3-prong outlets.
7. Remove and/or rewire all illegal, improper or hazardous wiring in basement/ garage
8. *All added receptacles must be grounded, tamper-resistant and be on an Arc-Fault Circuit Interrupter-protected circuit.*
9. *All electrical work must be done by a Minnesota- licensed electrical contractor under an electrical permit.*
10. *Any open walls or walls that are opened as part of this project must be wired to the standards of the 2008 NEC.*
11. *All buildings on the property must meet the St. Paul Property Maintenance Code (Bulletin 80-1).*
12. Illegal service upgrade. Properly install and ground.
13. New panel boards to NEC 2008. Purchase an electrical permit for a service and 20 circuits.

PLUMBING

All plumbing work requires permit(s) and must be done by a plumbing contractor licensed in Saint Paul.

Basement

Water Heater:

Unit 1226: Temperature and pressure relief discharge piping is incorrect.
Both Units: No gas shutoff or gas piping is incorrect.
Gas venting is incorrect.
Unit 1224: Water piping is incorrect.
Both Units: Gas control valve parts are missing.
Both Units: Not fired or in service.

PLUMBING

Basement

Water Meter:
Both Units: Meter is removed and not in service.
Both Units: Incorrect piping / galvanized before meter.

Water Piping:
Both Units: Repair or replace all corroded, broken or leaking water piping.

Gas Piping:
Both Units: Dryer gas shutoff, connector or piping is incorrect.
Both Units: Dryer vent is incorrect.

Soil and Waste piping:
Both Units: No front sewer cleanout and no soil stack base cleanout.
The shower waste is incorrect and un-vented. Remove water pipe.

Unit 1224

The kitchen sink waste and water piping are incorrect.
Provide a vacuum breaker for the handheld shower. Replace bathtub waste and overflow.

Unit 1226

Provide a vacuum breaker on handheld shower. Replace bathtub waste and overflow.
The range gas shutoff, connector or gas piping is incorrect.

Exterior

The lawn hydrant(s) requires backflow assembly or device.

HEATING

1. Replace both furnaces.
2. Clean all supply and return ducts for warm air heating systems.
3. Repair and/or replace heating registers as necessary.
4. Provide heat in every habitable room and bathrooms.
5. Gas and warm air mechanical permits are required for the above work.

ZONING

1. This house was inspected as a duplex.

NOTES

See attachment for permit requirements and appeals procedure.

Most of the roof covering could not be inspected from grade. Recommend this be done before rehabilitation is attempted.

Roof, sidewalks, etc. snow covered and could not be inspected. All must meet appropriate codes when completed.

This is a registered vacant building. In order to sell or reoccupy this building, all deficiencies listed on this code compliance report must be corrected within six (6) months of the date of this report. One (1) six-month time extension may be requested by the owner and will be considered by the building official if it can be shown that the code compliance work is proceeding and is more than fifty (50) percent complete in accordance with Legislative Code Section 33.03(f).

Sincerely,

James L. Seeger
Code Compliance Officer
JLS: ml
Attachments

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Tou Y. Yang,
(name of applicant)

to establish a Duplex,
(proposed use)

located at 1224 - 1226 KENNARD,
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1239 Kennard	Kari Iverson		11/14
~~1245 Kennard~~	~~Faune Wirtz~~	~~Faune Wirtz~~	~~11/14~~
~~1245 Kennard~~	~~Patrick Wirtz~~	~~Patrick~~	~~11/14~~
1225 KENNARD	Michael G. Thell	Michael G. Thell	11/14
1225 Kennard	Gail J. Thell	Gail Thell	11/14
1220 Kennard	Kevin Thell	Kevin A. Thell	11/14
1663 Maryland	Curtis Hunt	C Hunt	11/14
1231 Kennard St	Joe Skelly		11/15
1669 Maryland	Joseph Ennis		11/15
1211 Kennard	Eileen LeClair	Eileen LeClair	11/15
1235 Kennard St.	Colin O'Brien		12/29
1675 Maryland	Colleen Belmondo		12/29

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Tou Y. Yang, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

Tou Y. Yang
NAME

4218 Clark circle, Vadnais Heights MN 55127
ADDRESS

651-769-4100
TELEPHONE NUMBER

Subscribed and sworn to before me this
31 day of December, 2009.

MARLON A SHANKS
Notary Public
Minnesota
My Comm. Expires
Jan 31, 2014

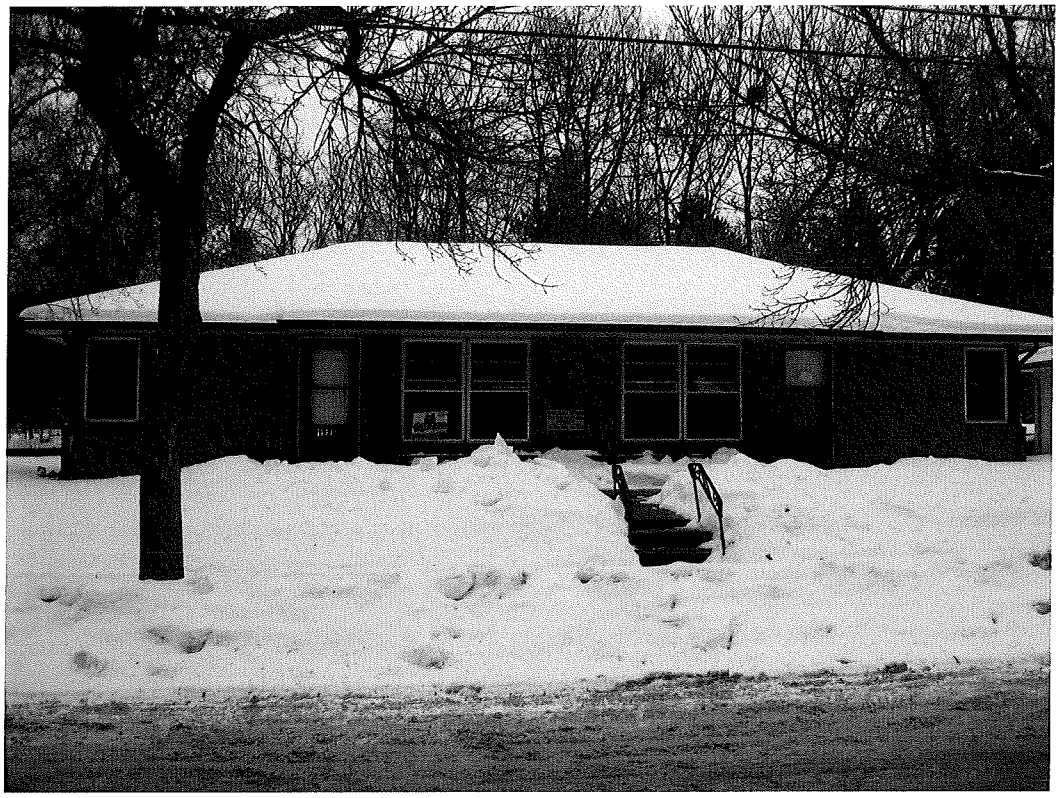
NOTARY PUBLIC

ZONING PETITION SUFFICIENCY CHECK SHEET

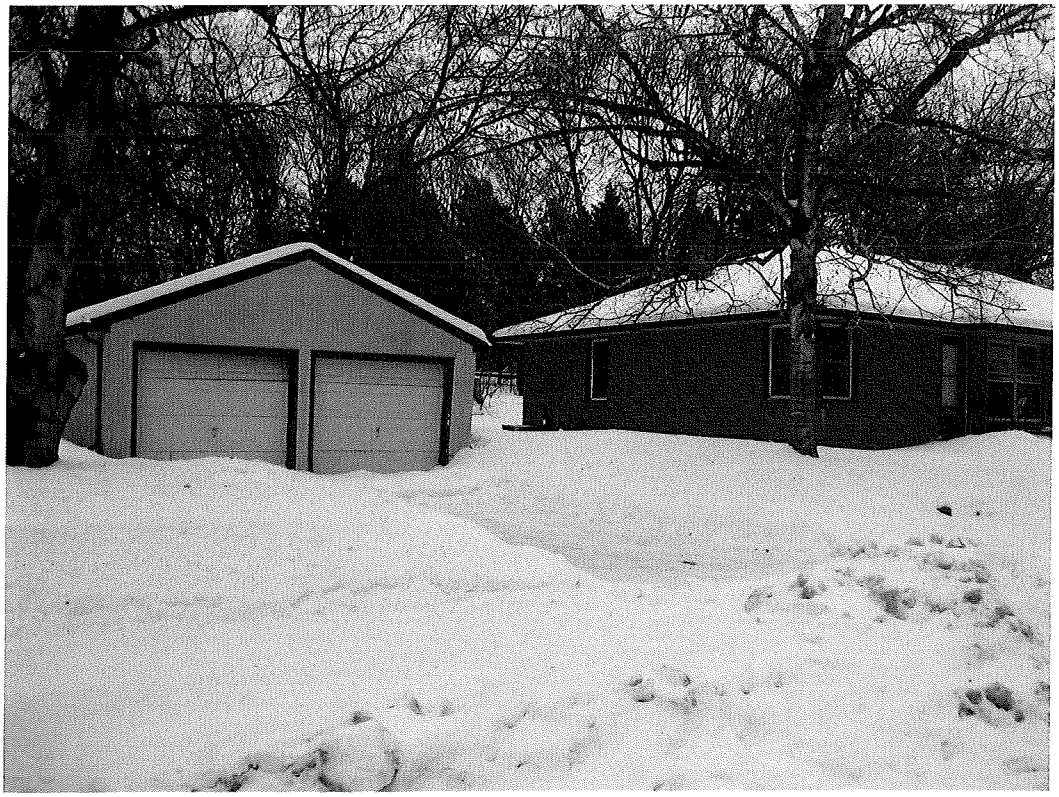
REZONING SCUP (NCUP)

FIRST SUBMITTED		RESUBMITTED	
DATE PETITION SUBMITTED:	1-7-10	DATE PETITION RESUBMITTED:	
DATE OFFICIALLY RECEIVED:	1-11-10	DATE OFFICIALLY RECEIVED:	
PARCELS ELIGIBLE:	12	PARCELS ELIGIBLE:	
PARCELS REQUIRED:	8	PARCELS REQUIRED:	
PARCELS SIGNED:	8	PARCELS SIGNED:	

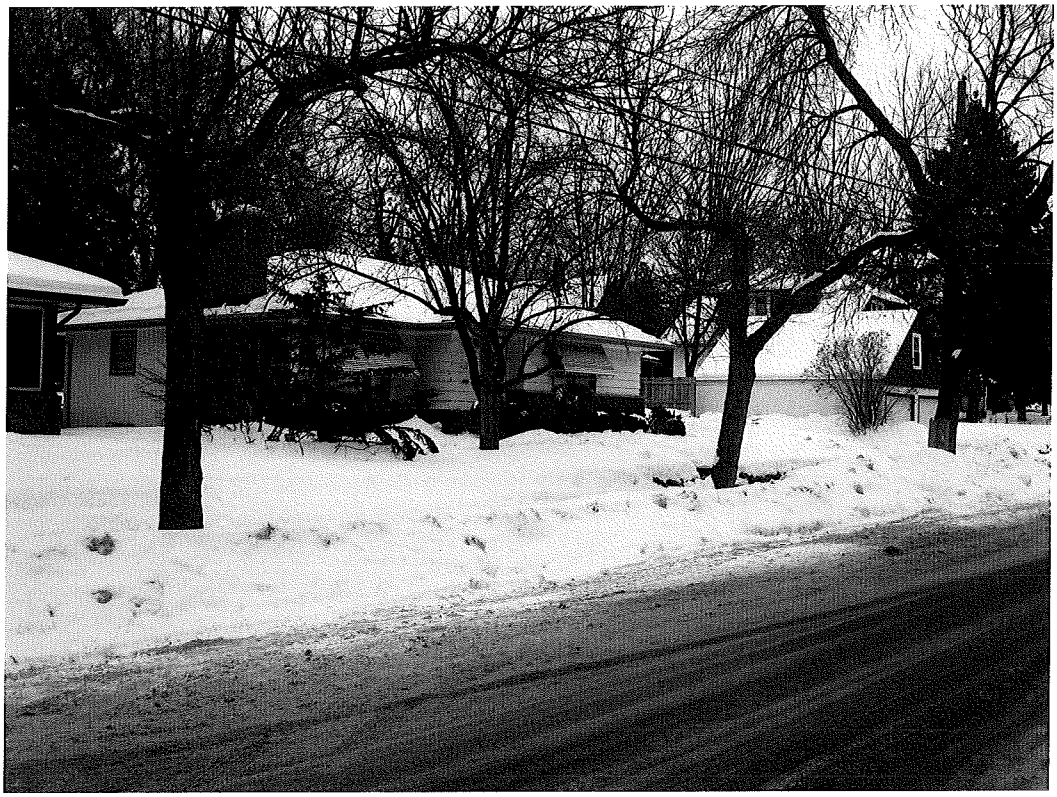
CHECKED BY: Paul Dubruiel DATE: 1-11-10



1224-1226 Kennard Street

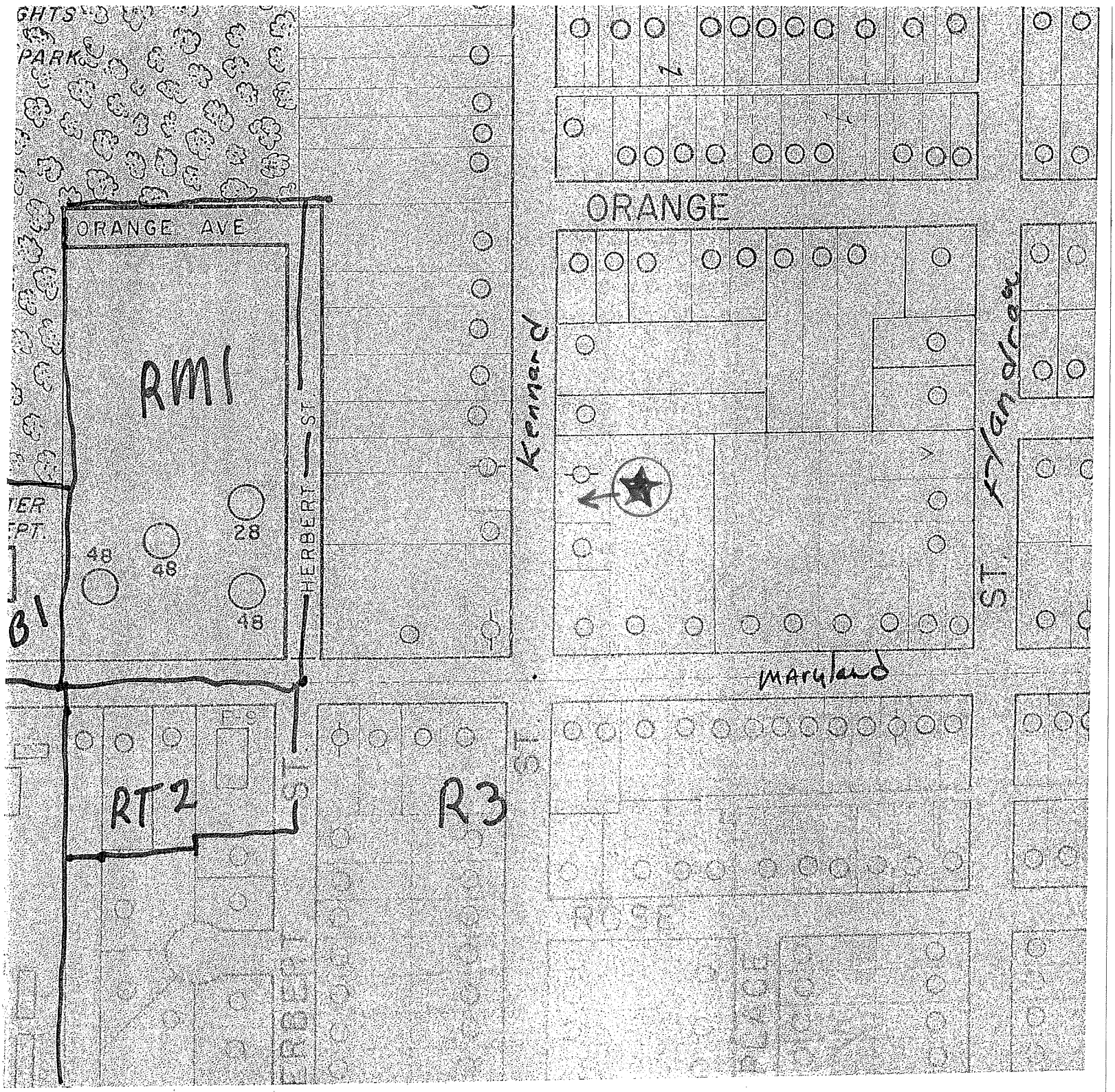


Two-car garage to the north



Adjacent property

Adjacent property



APPLICANT Tou Yang

PURPOSE REEst NCUP

FILE # 10-005258 DATE 1-12-10

PLNG. DIST 2 MAP # 7

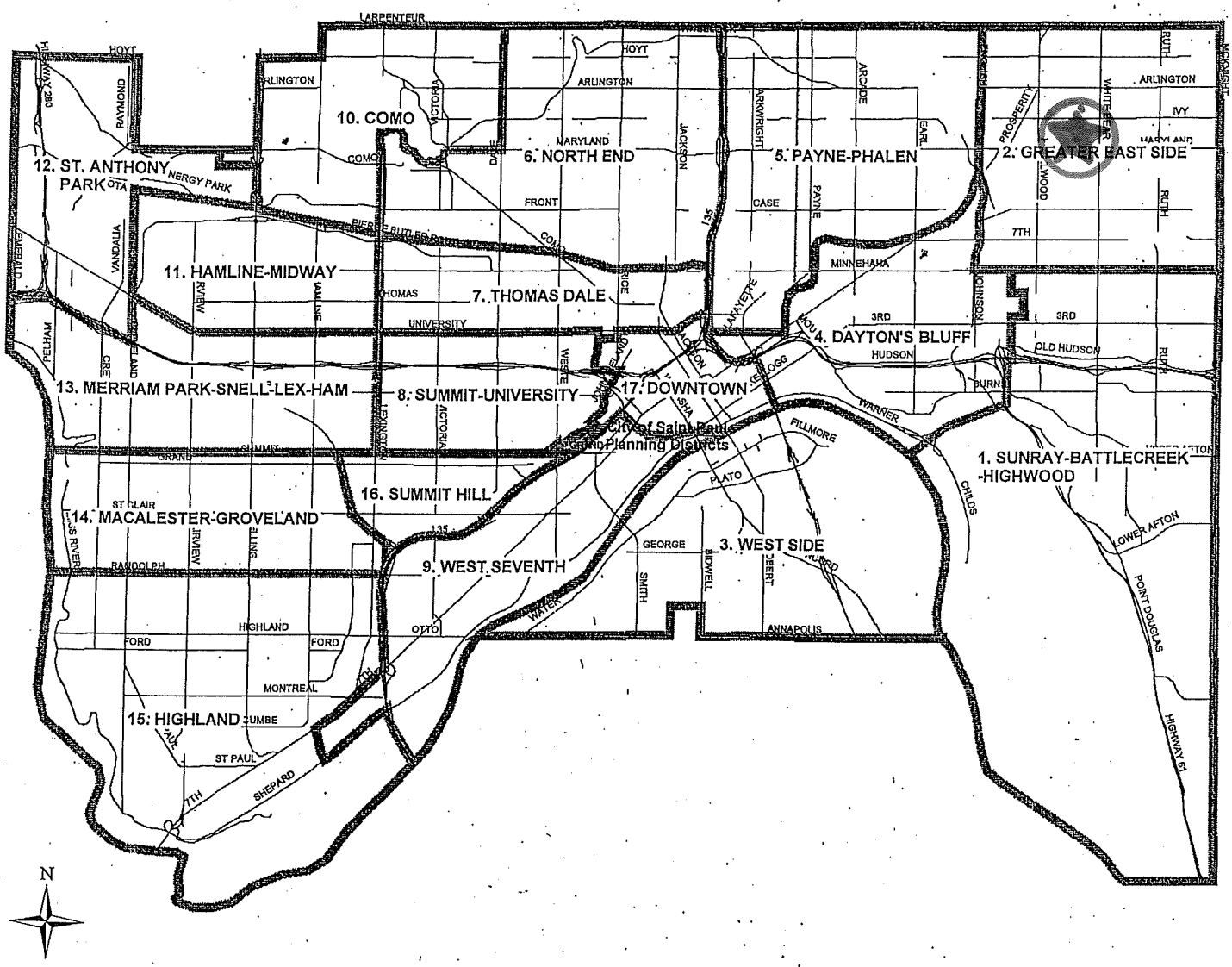
SCALE 1" = 100'

PED DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

LEGEND

- zoning district boundary
- subject property
- north
- one family
- two family
- multiple family
- commercial
- industrial
- V vacant

CITIZEN PARTICIPATION DISTRICTS



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#10-005258